



3 1761 11969851 2

A1
988
D021

Government
Publication

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, APRIL 25, 1989

VOLUME 40

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE



B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, APRIL 25, 1989

VOLUME 40

(i)

C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
MR. R. McMURTRY MR. A. PRATT	on behalf of Charles Francis
MR. E. FUTERMAN	on behalf of Ben Johnson
MR. SOOKRAM	on behalf of Dr. M. G. Astaphan
MR. PREFONTAINE	on behalf of the Government of Canada
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
MR. R. STEINECKE	on behalf of the College of Physicians and Surgeons
MR. D. MANN	on behalf of the Canadian Olympic Association



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761119698512>

(ii)

I N D E X O F W I T N E S S E S

NAME	PAGE NO.
Waldemar Matuszewski, Recalled	6923
Examination by Mr. Sookram	6923
Examination by Mr. Czuma	7075
Re-Examination by Mr. Armstrong	7078
Mark Anthony McKoy, Sworn	7088
Examination by Mr. Armstrong	7089

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
140	Photocopy of two business cards and backs	7086

--- Upon commencing.

MR. ARMSTRONG: We seem to have -- oh, we have got a lawyer, all we need is the witness.

THE COMMISSIONER: Is your client here, Mr.
5 Soskowski?

MR. ARMSTRONG: He will be here in a moment.

THE COMMISSIONER: Okay, thank you. Good morning.

10 MR. ARMSTRONG: Mr. Commissioner, I apologize for being 10 minutes late. There were two or three matters that I had to check with other lawyers related to the hearing that held us up. I apologize.

THE COMMISSIONER: Thank you. Mr. Sookram.
15 You have already been sworn, Mr. Matuszewski. You have already been sworn.
(Interpreter translates)

WALDEMAR MATUSZEWSKI: Recalled.

20 --- EXAMINATION BY BY MR. SOOKRAM:

Q. Mr. Matuszewski, yesterday you told us that you joined the Mazda team at the request of, or at the invitation of Mr. Francis sometime in 1985; is that correct?

25 (Interpreter translates question; witness

answers)

A. Yes.

Q. Think back a bit, could it have been
1986?

5

(Interpreter translates question)

Q. I must tell you that Mr. Francis said
it was '86?

A. Yes, yes, '85, '86, he thought we would
be together.

10

Q. It would have been '86?

A. Yes.

Q. You didn't go to the fall training in
Guadeloupe in '85?

A. No.

15

Q. So, it might have been after that?

A. Yes.

Q. Yes. There was a training camp in '86
in St. Kitts; did you go to that one?

A. Yes.

20

Q. Yes. And the spring training in
Florida, did you go to that one in '87.

THE COMMISSIONER: In '87 now.

MR. SOOKRAM: Yes.

THE COMMISSIONER: Thank you. Tallahassee,
in Tallahassee, Florida?

25

MR. SOOKRAM:

Q. Yes, sir. Did you go to Florida with the team?

5 THE COMMISSIONER: In 1987 is the question now, in Tallahassee, Florida?

THE WITNESS: I don't remember, but, probably, yes, because everywhere.

MR. SOOKRAM:

10 Q. You didn't go everywhere with the team?

A. Yes, usually everywhere.

Q. Usually?

A. Yes.

15 Q. But sometimes you were left behind in Toronto?

A. Yes.

Q. Did you not think it, in your position as physiotherapist for the team, did you not think it somewhat curious that at times you would be left out of a training scheme?

20

(Interpreter translates)

THE COMMISSIONER: Which ones -- I am sorry, go ahead.

(Interpreter translates question; witness answers)

25

THE WITNESS: Maybe not because it was a problem with my Visa.

BY MR. SOOKRAM:

5 Q. It wasn't a problem with money?

A. Maybe yes, I don't know, but usually to the east countries I have visa problem and with the -- another a lot of countries, sometimes I didn't find a visa immediate.

10 Q. Did you have any problem getting in to St. Kitts?

A. It was problem, but I went, I had to wait nearly three weeks for a visa.

Q. Was the visa arranged by Dr. Astaphan?

15 A. No, it was from Sport Canada. I have a document from Sport Canada.

Q. All right. Let's take you back to the time when you came down to Toronto in 1986 and you had nowhere to live. You lived in Mr. Francis' apartment, you
20 told us?

A. Yes.

Q. For six weeks?

A. Something like that.

Q. Something like that. And you had a
25 key?

A. Yes.

Q. And did Mr. Francis live there at the same time that you were living there, or had he moved out?

A. Yes.

5

Q. He moved out?

A. No, he lives there as well.

Q. He lives there as well?

A. Yes.

THE COMMISSIONER: This is early in '86?

10

MR. ARMSTRONG: Yes, sir.

MR. SOOKRAM:

Q. Did other people visit the apartment while you were there, other athletes?

15

A. Sometimes, sometimes yes.

Q. Did you see them, the athletes, going into to a back room to get injections?

A. They talk with Charlie Francis, but I don't know because it was business between Charlie Francis and the athletes --

20

Q. You had no, no interest?

A. No.

Q. In what was going on?

A. No.

25

Q. You closed your eyes to it?

A. No. I was sitting with the -- in the living room I watch TV, usually I watch TV, and with the apartment was a room for everybody, everybody who visit it was a different room.

5

Q. I see.

A. And living room was living room. And I was only a guest and I was spending the time in living room when somebody visit him.

Q. And you minded your own business?

10

A. Pardon me?

Q. You minded your own business?

(Interpreter translates question; witness answers)

A. Yes.

15

Q. Yes. Were the doors always locked, the other doors in the house?

A. No.

Q. They were always open?

A. Yes.

20

Q. So, anybody could have gone in and looked at anything and taken anything?

(Interpreter translates question; witness answers)

A. Yes.

25

THE COMMISSIONER: This is when Mr. Francis

is present?

BY MR. SOOKRAM:

Q. Yes. Did you yourself see any drugs in
5 the apartment, any steroids?

A. No, because I was a guest, is not my
place, I didn't look to his desk, I didn't look to his --
his places where he keep everything, all documents, all
that.

Q. In six whole weeks?

A. Yes, I never. I was living a year with
my friend, and I never check what is with his house.

Q. Mr. Matuszewski, were you afraid to
find steroids?

15 (Interpreter translates question; witness
answers)

A. No. Is with my character that I am not
looking anywhere.

Q. Is this -- could this be that because
20 you were involved in a steroids scandal in Poland, after
that you didn't want to hear the word or see the thing?

A. Is not a problem. The steroids is
problem that I am not interesting with the another person
what they have, what they are doing.

Q. Yes, but I am asking you whether or not
25

this attitude that you now developed had anything to do with the fact that once before in your life steroids had messed up your life?

(Interpreter translates question; witness answers)

A. No -- sorry --

(Interpreter translates question; witness answers)

A. No, is my Mom teach me that what is yours is yours, don't look what another have in his wallet.

THE COMMISSIONER: These are people that you are working with, the athletes that you are looking after. I thought you told us it would be necessary for you to know if they were on steroids so you could properly manipulate them?

(Interpreter translates question)

MR. CZUMA: As I understand the question, Mr. Commissioner, the question related solely to a six-week period that he had stayed with Mr. Francis. And the question I understand Mr. Sookram was asking is why didn't he go and examine Mr. Francis' private things. And he is trying to answer that as best he can.

THE COMMISSIONER: Thank you.

MR. CZUMA: Perhaps Mr. Sookram isn't --

THE COMMISSIONER: I may have misunderstood.

MR. CZUMA: -- understanding the answer.

THE COMMISSIONER: Go ahead, Mr. Sookram.

5

BY MR. SOOKRAM:

Q. Now, out of fairness to you, sir, I must tell you that when Mr. Williams gave evidence, Desai Williams, he told us that you injected him with Inosine and B-12?

10

A. Yes.

Q. Now, my instructions are from my client, Dr. Astaphan, is that you did also inject Mr. Williams with the white stuff; is that right?

A. No.

15

Q. You never did?

A. No.

Q. Ms. Issajenko, when she gave evidence, told us that you gave her steroid injections at her request; is that right?

20

(Interpreter translates question)

MR. CZUMA: That was not the evidence. The evidence was that on one occasion there was a steroid injection. I believe Mr. Sookram has used the plural. I think that's misrepresenting the evidence.

25

THE COMMISSIONER: She said that she asked

Mr. Matuszewski to inject her with a steroid.

MR. CZUMA: On one occasion was I believe her evidence.

5 THE COMMISSIONER: She told him it was a steroid --

MR. CZUMA: Yes, because --

THE COMMISSIONER: Excuse me, now, don't -- because it was important for him to know that she was on steroids, that was her evidence.

10 MR. CZUMA: I have a transcript of her evidence, I don't believe that's what her evidence is, but my point being --

15 THE COMMISSIONER: I am sure that's exactly what she said. She told him because it was important for him to know, it's important for Mr. Francis to know.

MR. CZUMA: The extent of her evidence, as I understand it, Mr. Commissioner, was that on one occasion that occurred. My objection to Mr. Sookram's question is that he is saying that her evidence was that
20 there were more than one injection. That's --

THE COMMISSIONER: I see.

MR. CZUMA: I am objecting, he is misrepresenting the evidence as it has appeared.

25 THE COMMISSIONER: I am sure it's not intentional. You can relate what Ms. Issajenko said under

testimony as best you can recall. We will get the transcript if necessary.

MR. SOOKRAM: I must admit, sir, that my friend is right.

5

THE COMMISSIONER: Yes --

MR. SOOKRAM: I have my note here, you gave her a steroid injection.

THE COMMISSIONER: That's right, on one occasion, but I think she said she told him it was a steroid.

10

MR. SOOKRAM: Yes.

BY MR. SOOKRAM:

15

Q. Now, Miss Issajenko told us that you gave her one steroid injection at her request and that she told you it was a steroid because she thought you ought to know?

(Interpreter translates question; witness answers)

20

A. I told yesterday that first I don't remember if I gave her injection of steroids or another injection in 22nd of June, 1986. And I called to the association, they gave me the date when was her next competition. And their next competition it was at 8th of July in East Berlin, and is only 16 days. And this

25

impossible like that --

Q. You were concerned --

A. -- automatically -- automatically this is impossible because after she will test it positively.

5 Q. You were concerned about a clearance time?

(Interpreter translates question; witness answers)

10 A. No. I wanted to say that what she say doesn't have doesn't have -- doesn't have --

(Interpreter translates question)

THE INTERPRETER: Doesn't make much sense.

A. Doesn't make much sense.

Q. Not logical?

15 A. It's not logical, yes.

THE COMMISSIONER: I don't understand that. If you said you -- if it wasn't a steroid, and it was vitamins, you could give vitamins any day, right the day of the race?

20 (Interpreter translates question; witness answers)

THE WITNESS: But I don't remember this particular time, 22nd June '86, what was in -- after national in Ottawa.

25

BY MR. SOOKRAM:

Q. Is it your story, sir, that at no time at all did you administer a steroid injection to Ms. Issajenko?

5

A. No.

Q. That is your story?

A. Yes.

Q. You never gave her any steroids?

A. No.

10

MR. CZUMA: Just so that the double negative isn't confusing, I think he means that he never gave her a steroid.

THE COMMISSIONER: We understand that.

15

BY MR. SOOKRAM:

Q. Ms. Issajenko told us, sir, that you approached her with a view to making some arrangements for a percentage of the money she earned from these track and field events. What is your comment on that?

20

(Interpreter translates question; witness answers)

A. Yes, we talk about that. I talk about that with Larry Heidelberg (sic). He told that I talked about expenses, that I spent my money in Europe paying for for water for washing. And he told me that the money,

25

what the athletes pay him the percentage for the business, he don't have enough, and if I wanted for my expenses, I have to ask the athletes. Only to cover my expenses, all the group. And I talked with everybody about that.

5 Q. Everybody?

A. Yes. It was a meeting with group, with Mr. Charlie, with Mr. Larry, and we talk about paying in Europe for my expenses.

Q. What year was that?

10 A. It was '88, 1988.

Q. All the athletes weren't involved, were they? Those who weren't earning any money at all, they weren't part of the meeting?

15 (Interpreter translates question; witness answers)

A. No, it was only the group. When they have the private races in Europe and the sponsor pay him extra money. And never from the meetings were the meetings was official between Canada and another country. With this moment I pay all expenses with my wallet.

20 Q. Yes. So, the private-sponsored races from which Mr. Heidelbrecht was getting a percentage, you thought you should get a percentage, too.

(Interpreter translates question)

25 MR. CZUMA: I don't think percentage was

mentioned in the witness' evidence.

THE COMMISSIONER: No, he said some expenses. In all fairness, though, Mr. Sookram, he really wasn't paid very much money.

5 MR. SOOKRAM: I appreciate that, sir. He wasn't paid very much, but he --

THE COMMISSIONER: He worked long hours and for really quite little amount of money.

10 MR. SOOKRAM: Yes. But it's got to be established, sir, that Mr. Waldemar had an interest, a specific interest in the earnings, because he takes me from there on.

THE COMMISSIONER: All right. Go ahead.

15 BY MR. SOOKRAM:

Q. You discussed a percentage with Miss Issajenko, 10 percent.

THE COMMISSIONER: Just a moment now.

MR. CZUMA: That's not the evidence --

20 THE COMMISSIONER: Mr. Czuma objects to the word "percentage". Did you talk about the money, is that what you are talking about?

MR. CZUMA: There were expenses, I believe.

25 THE COMMISSIONER: Expenses, yes, he said. Was it a percentage, are you saying it was a percentage?

MR. SOOKRAM: With Ms. Issajenko.

THE COMMISSIONER: All right, go ahead.

MR. SOOKRAM: I am positive that is what is
in my notes.

5 THE COMMISSIONER: All right. Just ask him
about this conversation with Ms. Issajenko about any
money arrangements that he was seeking.

BY MR. SOOKRAM:

10 Q. She made that statement at 2:20 on the
15th of March.

THE COMMISSIONER: What time was it, 2:20?

MR. SOOKRAM: 2:20 p.m.

15 THE COMMISSIONER: Well, put that question
to the witness then, please.

BY MR. SOOKRAM:

Q. Did you discuss a percentage from -- to
be paid to you by Miss Issajenko?

20 A. Yes, it was a percentage with Ms.
Issajenko, Mark McKoy, Desai Williams, and Ben Johnson.

Q. You didn't want more than 10 percent?

A. I thought that from the races when they
have \$2,000 for a race, when I would have for all the
25 group around \$500 it will be around 5 to 10 percent, and I

will pay for my expenses with all the others. And they knew about that, and they thought that -- few athletes like Desai Williams or Mark McKoy that is important for that.

5 Q. And --

A. And the same opinion was with Larry and Charlie.

Q. They agreed that you should get a percentage?

10 A. For my experience. And they wanted to establish how much cost the hotel, the expenses in the hotel.

Q. Yes.

A. Or expenses in the restaurant.

15 Q. Yes.

A. Or sometimes the taxi from the hotel to the stadium. And they wanted to pay me the difference.

Q. But the athletes never paid you, did they?

20 A. No, the money only where was the private races pay me, Larry, or Charlie. And I pay immediately front desk for this expenses.

Q. Yes. Did the athletes complain to you, did they tell that they didn't think they ought to pay you?

25

A. No.

Q. No athlete objected to paying?

5 A. No. It was a meeting when I first I talked with the athletes, because was agreement with Larry that I will talk with the athletes. And after it was a meeting with Larry and Charlie and it was not objected.

Q. How many times in 1987, if you can remember, did you go to Europe with the team or with any particular athletes?

10 (Interpreter translates question)

THE COMMISSIONER: What year?

MR. SOOKRAM: '87.

THE COMMISSIONER: In 1987 he is asking.

15 THE WITNESS: All the time with the athletes, with all the races.

BY MR. SOOKRAM:

Q. All the races in 1987?

A. Yes.

20 Q. Did you at any time join Mr. Francis in trying to obtain supplies for the athletes?

(Interpreter translates question)

THE COMMISSIONER: What kind of supplies?

25 MR. SOOKRAM: Mr. Francis didn't specify; I want to ask this witness.

THE COMMISSIONER: All right.

A. What kind of supplies?

MR. SOOKRAM:

5 Q. Mr. Francis told us, to be precise, at 2:35 p.m. on the 2nd of April, that you, "Valdemar and I obtained supplies in Europe." What sort of supplies were. They? First of all, did you go with Mr. Francis to obtain supplies for the athletes?

10 (Interpreter translates question; witness answers.)

A. I don't understand your question. Give me a straight question.

15 Q. Did you go shopping for any sort of drugs for the athletes with Mr. Francis?

(Interpreter translates question; witness answers.)

20 A. Yes. We sometimes was buying the creams or the bandages or this stuff, sometimes together, sometimes when I was busy he bought this. Sometimes I gave what kind of support is important for that. Sometimes the athletes was buying, or sometimes I was buying.

Q. Did you buy vitamins?

25 A. It was not vitamins. I was buying the

calcium. I was buying the minerals. And the athletes was using the minerals, what I bought, also from the same money what they pay me.

Q. Do you know if Mr. Francis was able to buy any steroids in Europe?

A. No, I don't know about that.

Q. Do you know if the athletes were able to buy any steroids in Europe?

A. No, I don't know about that.

Q. Mr. Valdemar, when you were --

THE COMMISSIONER: That's his first name, you know.

MR. SOOKRAM: Sorry, I'm so sorry. I never meant to insult this gentleman.

MR. SOOKRAM:

Q. Mr. Matuszewski, I'm so sorry. When you were at university training for your masters degree in physiotherapy, was part of your training a practical course?

(Interpreter translates question.)

MR. CZUMA: I'm just wondering what the relevance of Mr. Matuszewski --

THE COMMISSIONER: Well, this one question isn't -- we'll see. Let him lead up to it. We'll find

out where he's going.

MR. SOOKRAM: I thank you, sir.

MR. SOOKRAM:

5 Q. Was any part of your training practical training on the field?

(Interpreter translates question; witness answers.)

A. Yes.

10 Q. And you had to work very closely with the coach?

(Interpreter translates question; witness answers.)

A. Yes.

15 Q. And with the team doctor?

(Interpreter translates question; witness answers.)

A. Sometimes yes, sometimes no.

Q. But very, very closely with the coach?

20 A. Yes.

Q. And you did this over a number of years, didn't you?

(Interpreter translates question; witness answers.)

25 A. Yes.

Q. And over the years, you must have made up your mind whether some techniques in coaching were working or some weren't working?

A. Yes.

5 Q. So you do have some experience as a coach?

A. Yes.

Q. And you learned quite a lot from Mr. Francis?

10 A. Not really because I was only sometimes at the track.

Q. Only --

A. Sometimes at the track, in the area where the athletes was around.

15 Q. I see.

A. I was a lot in the warm-up area or in my room working with the athletes. I didn't have time during the training to observe Charlie Francis or the other coaches.

20 Q. But you would have had time to observe while you were in Poland?

A. Yes. It was a different, different system.

25 Q. Yes. And you would have had time to observe while you were in, was it Iraq?

A. Not really. There, I had only time to talk with the coach and engage with the athletes for my service.

5 Q. I see. And half the time in Iraq, you were dodging the bombs? The war was on then, wasn't it?

A. Pardon me?

Q. The war was on then, the war between Iran and Iraq, while you were there?

10 (Interpreter translates question; witness answers.)

A. Yes.

15 MR. CZUMA: Mr. Commissioner, I objected to this originally. It just seems to be one step after another leading us nowhere. It's led us to the war in Iraq.

THE COMMISSIONER: Well, we're back in Canada now.

20 MR. SOOKRAM: That was a little aside. One could go crazy looking at the dead evidence that is sometimes emerging. I just thought, rightly or wrongly, I should inject a little of everything.

THE COMMISSIONER: Well, give him a more pleasant subject than the war in Iraq.

25 MR. SOOKRAM:

Q. I withdraw that question, Mr.
Matuszewski.

(Interpreter translates question.)

A. Thank you.

5 THE COMMISSIONER: Can we get back to Canada
now and York University?

MR. SOOKRAM: Yes.

MR. SOOKRAM:

10 Q. So your evidence is, and correct me if
I'm wrong, that when you started work with the Mazda team,
you didn't have much opportunity in observing Mr. Francis'
methods?

A. Not really.

15 Q. Not really. And you told us yesterday
that you were sometimes working eighteen to twenty hours a
day?

(Interpreter translates question; witness
answers.)

20 A. Yes, yes.

Q. Long, very long days?

A. Yes.

Q. You went out to the track early in the
morning?

25 A. With this moment that I told that I was

working eighteen, twenty hours a day, it was in Europe, not here.

Q. Not here.

A. Not here. Or with in other places in the United States or in Canada.

Q. When the team was abroad?

A. Yes, because after when the athletes, they had the competition, in Europe the competition was every second or third day, and they'd have to move from one city or one country to another, and it was transportation; it was long time wait, and everybody, all the athletes, masseurs and all the athletes, all the people was very tired.

Q. And so though you were up eighteen, twenty hours a day, it wasn't eighteen, twenty hours working on the athletes? A lot of it was traveling?

A. The traveling is together. I was the same tired when I flew five hours. I was the same time like in the war, because I was the same tired. I was the same time stiff like everybody, Charlie Francis or Dr. Astaphan or the athletes. And immediately after we came to the hotel, they go to bed, and I was working, calling the athletes to my room.

Q. You told who had to come and where?

(Interpreter translates question; witness

answers.)

A. Yes.

Q. And for all this hardship, all you got
was your income from the Track and Field Association plus
the small bits of money that Mr. Heidebrecht and/or Mr.
Francis gave you from time to time?

(Interpreter translates question; witness
answers.)

A. Yes.

Q. Mr. Matuszewski, did you at any time not
think that you would be better off as a masseuse and as a
coach?

(Interpreter translates.)

THE INTERPRETER: I'm sorry, I'm not quite
sure that I understood what you said?

THE COMMISSIONER: You mean both the
masseuse and the coach or --

MR. SOOKRAM: Both.

(Interpreter translates question; witness
answers.)

A. No, because it's not my profession.

Q. But you do know something about
coaching?

A. Yes, but when -- Larry -- Charlie was
not at the training, Charlie, he was out one day, and the

athletes wondered if I would make the start.

Q. Yes.

A. I make a mistake and Larry Heidebrecht told that he was the coach and he would do that because he --

5

THE INTERPRETER: He'll do it.

A. He'll do it because I make mistakes because it was not my profession.

Q. Was that the first time you attempted to coach the team in the absence of Mr. Francis?

10

(Interpreter translates question; witness answers.)

MR. CZUMA: Well, that wasn't the response, that he had attempted to coach.

15

THE COMMISSIONER: There's nothing very damaging. Please, Mr. Czuma, object to something important.

20

A. No, it was first time in Europe, I think that in Switzerland, in Zurich, and Mr. Francis was busy at the time and the athletes wanted a few starts, and they asked me to please make the starts, and this was the problem.

MR. SOOKRAM:

25

Q. The athletes asked you?

A. Yes, and Larry Heidebrecht made the starts, and Dr. Jamie Astaphan, he told that he was the coach and he will do the same.

5 Q. The athletes themselves asked you to make the start, didn't they?

(Interpreter translates question.)

THE COMMISSIONER: I'm not sure how relevant this is, Mr. Sookram. I'm not sure how relevant this is, but I also -- unless I'm sure it's going to lead up to something --

10

MR. SOOKRAM: It is leading up to something.

THE COMMISSIONER: All right, then, let's lead up to it.

MR. SOOKRAM: I am probably a bit slow reaching there, but I can assure you my questions are well directed.

15

A. Yes, and afterward they was smiling that it was not correct.

20 MR. SOOKRAM:

Q. Mr. Francis at no time asked you to take his place when he was absent?

(Interpreter translates question; witness answers.)

25 A. Never.

Q. Did you at any time volunteer to help when Mr. Francis was not there?

(Interpreter translates question; witness answers.)

5 A. No, when Francis were there, sometimes when I don't have the patient, I was waiting, I came to the track and what I was doing, I was giving the medical ball, and it was -- that's it, with the athletes.

Q. Just a small part of the training?

10 A. Yes, ten, fifteen minutes, you know. All the time the same.

Q. Did you do any such thing in Iraq? Did you help the coach a little bit in Iraq?

A. No, and also not in Poland.

15 Q. I beg your pardon?

A. And also not in Poland.

Q. And now we come to this curious incident about Mr. Jack Scott.

(Interpreter translates question; witness answers.)

20 A. Yes.

Q. Yesterday you told us that Mr. Jack Scott was carting around or carrying around a myomatic machine?

25 A. Yes.

Q. Did you see the machine?

A. Yes.

Q. Where was it made?

(Interpreter translates question; witness

5 answers.)

A. I think that in United States.

Q. United States. You're not sure?

(Interpreter translates question; witness

answers.)

10 A. I have the address. If you like, I will
check where it was made, the equipment.

Q. Could it have been made in Japan? Could
it have been a Japanese machine?

(Interpreter translates question; witness

15 answers.)

A. Maybe, but he was the manager or the
president of the company.

Q. That was selling these machines?

20 A. Yes, and he's living in United States
and that's why I thought that's from the United States.

Q. Did you actually see -- did you ever see
the machine in action?

A. Yes.

Q. On which athlete?

25 (Interpreter translates question; witness

answers.)

A. With a lot of athletes.

Q. In the Mazda team?

A. Yes, and not only.

5

Q. Did you think, did you think the machine
was useful?

(Interpreter translates question; witness
answers.)

10

A. Sometimes yes, when it was using
correctly.

Q. When it was?

A. When the athletes used correctly.

Q. You have some experience with machines,
haven't you?

15

A. Yes.

Q. And you had used machines like this or
better than this?

(Interpreter translates question; witness
answers.)

20

A. Yes.

(Interpreter translates question; witness
answers.)

A. Yes.

25

Q. You told us that when Dr. Astaphan saw
Mr. Scott using these machines, he was very upset about

it; is that right?

A. He was only upset, Mr. Astaphan was upset only one time in Italy, Sestriere.

5 Q. And Dr. Astaphan threatened to quit if Mr. Scott didn't stop?

(Interpreter translates question; witness answers.)

A. He told that he doesn't want if Mr. Scott would work any longer with Ben Johnson.

10 Q. What did you think about it, Mr. Scott working with Mr. Johnson?

(Interpreter translates question; witness answers.)

15 A. My opinion was the same, that another physiotherapist from United States is not really very important because Ben Johnson, he was using the equipment.

Q. You were the physiotherapist -- I'm sorry?

20 A. I don't know if he bought or Jack Scott gave him and he -- (Speaking Polish.)

THE INTERPRETER: So he had this machine physically, I mean on him, I understand.

A. Yes.

25 Q. The coach is there, according to you, the best coach that you know?

A. Yes.

Q. The coach says you are the best physiotherapist, and at the time, I suppose both you and the coach thought the doctor was the best doctor?

5

A. I think he is a very good doctor.

Q. So you are a good team. You didn't want an outsider to come in?

(Interpreter translates question; witness answers.)

10

A. Especially from United States.

Q. Why, why especially from the United States?

A. Because Jack Scott was, he works also with Carl Lewis.

15

Q. And you knew that at the time?

A. No, we knew about that in Italy.

Q. In Italy?

A. Yes.

20

Q. And that was the second time that you had met Mr. Scott?

A. It was the third time.

Q. Third time. Did you ever find out how Mr. Scott came to be attached to your team?

(Interpreter translates question; witness answers.)

25

A. Not really, but we -- not really.

Q. Did you discuss your concerns with Mr. Francis, your concerns about Mr. Jack Scott? Did you discuss this with Mr. Francis?

5 (Interpreter translates question; witness answers.)

A. Yes.

Q. And did you discuss it with Mr. Heidebrecht?

10 (Interpreter translates question; witness answers.)

A. Yes.

Q. And you discussed it with Dr. Astaphan?

A. No, because it was that time when Jack Scott, Dr. Astaphan and Ben Johnson, they spent a month or
15 two or three, I don't know how long, in St. Kitts. And Mr. Scott make the treatments there.

Q. Did you feel that your position was in any way threatened --

20 (Interpreter translates question.)

Q. -- by Mr. Scott's presence when you are the team's physiotherapist?

(Interpreter translates question; witness answers.)

25 A. No, but it was not nice.

Q. I appreciate that. It couldn't be.
Now, in Korea, at Seoul, were you always on the track when
Mr. Johnson was training?

A. Yes.

5 Q. Every day?

A. Yes.

Q. All the time?

A. Yes.

10 Q. Was Mr. Jack Scott at any time on that
training track?

(Interpreter translates question; witness
answers.)

A. Yes.

15 Q. Did you have to get any special pass or
button or insignia of any sort to allow you to get on the
track?

(Interpreter translates question; witness
answers.)

A. Yes.

20 Q. And Mr. Scott had one of those?

A. Yes.

Q. I dare say that in your own mind -- is
it fair to say that in your own mind Mr. Johnson was the
most important athlete in the team at that time?

25 (Interpreter translates question.)

THE COMMISSIONER: In the Canadian team?

MR. SOOKRAM: Yes.

(Interpreter translates question; witness answers.)

5 A. Yes, in the Canadian team and, with my opinion, in the world he was the most important athlete.

MR. SOOKRAM:

10 Q. Thank you. Is it fair to say then that everybody, the people that, the principal figures, the coach, the doctor and you, sir, the physiotherapist, were all very, very protective of him in that you wouldn't allow him deliberately to do anything that you thought would prejudice his chances of winning?

15 (Interpreter translates question; witness answers.)

A. Yes.

Q. And you kept an eye on all his workouts?

20 (Interpreter translates question; witness answers.)

25 A. Yes and not, because at the same time when Ben trained, it was training with other athletes, and all the time I work with Ben and with another athletes at one track area, and sometimes I was very busy. It was difficult to see what he's doing on the track.

Q. When you were not with Mr. Johnson, was Mr. Francis with him on the track?

A. Yes.

Q. Mr. Francis also had the right to be on the track?

A. Everybody they have.

Q. And was Dr. Astaphan on the track?

A. No, because he doesn't have --

Q. He doesn't have one of those things?

A. Yes.

THE COMMISSIONER: What period of time are you talking about now?

MR. SOOKRAM: Pre-heat training.

THE COMMISSIONER: You're talking about the days of the races or just before the --

MR. SOOKRAM: Yes, before the race, before the heats, the training period.

THE COMMISSIONER: All right.

A. Dr. Astaphan was sitting in where was the area to observe what the athletes are doing in the warm track.

MR. SOOKRAM:

Q. He was in the spectator area?

A. No, it was two areas. One spectator

area at the meet track and another with the warm track area.

THE COMMISSIONER: The warm-up track, you're talking about?

5 A. Yes, the warm-up track.

MR. SOOKRAM:

Q. During the period running, going up to the first heat, do you know if Mr. Johnson suffered any setbacks?

10

(Interpreter translates question; witness answers.)

A. No.

Q. You were not aware that three or four days before the first heat he complained of feeling a pain in his leg muscles?

15

THE COMMISSIONER: The question was just on the warm-up for the first heat? Now you're before that now, I think?

MR. SOOKRAM: Well, it is the warm-up leading up to, three or four days before the first heat.

20

THE COMMISSIONER: You said two or three days before this now. You just asked two or three days before he hurt his ankle or his heel?

25

MR. SOOKRAM: Not his ankle, sir.

THE COMMISSIONER: You just said two or three days or something.

MR. SOOKRAM: I thought I said three or
5 four. I might have said --

THE COMMISSIONER: Three or four days, that's not just immediately before the warm-up; that's before the warm-up.

MR. SOOKRAM: Before the first heat.

10 THE COMMISSIONER: All right. Three or four days before the first heat then?

MR. SOOKRAM: Yes.

THE COMMISSIONER: All right.

(Interpreter translates question; witness
15 answers.)

A. The problem was much longer than three or four days.

MR. SOOKRAM:

20 Q. It was earlier than that?

A. Yes.

Q. He had injured himself sometime in June?

(Interpreter translates question; witness
answers.)

25

A. No.

THE COMMISSIONER: This is the same injury?
Are you talking about the same injury?

MR. SOOKRAM: No, I am taking backwards.

THE COMMISSIONER: Let's stay on target
now.

MR. SOOKRAM: Very well, sir.

MR. SOOKRAM:

Q. I know that Mr. Johnson from time to
time, like other athletes, had suffered injuries. I am
asking you, please, direct your mind to the preparation
for his first heat. He is now in Korea, on the training
track, three or four days before the first competition,
the elimination competition, the first heat, were you
aware --

(Interpreter translates question; witness
answers)

A. Yes.

Q. And you massaged him on the track after
the meeting?

A. Yes and before.

Q. And before, yes. And did you see or
were you told that anybody gave Mr. Johnson any tablets to
help him with the pain on that day?

A. No.

Q. You didn't see anybody give him tablets?

A. No.

5 Q. You were never ever told that anybody gave him tablets?

(Interpreter translates question; witness answers)

A. No.

10 MR. CZUMA: It may be important, he said on that day, and I am just not sure in my own mind which day that is referred to.

THE COMMISSIONER: Well, I don't -- the question is -- I don't think -- he says nobody gave him tablets before the first heat --

15 MR. SOOKRAM: Yes.

THE COMMISSIONER: -- before the first heat. Is that right?

MR. SOOKRAM: That was the purport of the question, sir.

20 THE COMMISSIONER: Well, then I think --

MR. SOOKRAM: And I got the answer no.

THE COMMISSIONER: I think so.

25

BY MR. SOOKRAM:

Q. Did you, yourself, Mr. Matuszewski, give Mr. Johnson any painkilling tablets three or four days before that first heat?

5 A. No.

Q. Were you ever present when a conversation took place after the Olympics in which it was mentioned that somebody gave Mr. Johnson tablets on the track?

10 THE COMMISSIONER: Before the first heat?

MR. SOOKRAM: No, after the Olympics, sir.

THE COMMISSIONER: I don't understand the question.

(Interpreter translates question; witness
15 answers)

A. No.

THE COMMISSIONER: He never heard it said.

MR. SOOKRAM:

20 Q. He never heard it said?

(Interpreter translates question; witness
answers)

A. No.

25 Q. Now, sir, I would like to go over with you a little bit of your own testimony to clarify a few

matters which --

(Interpreter translates question)

Q. -- which could throw a little bit more light on the drug scene.

5

(Interpreter translates question)

Q. You told us yesterday that shortly after you came to -- no, I don't think you mentioned a time. You told us yesterday that after you came to Toronto, Mr. Francis was going to arrange for you to have a second job?

10

A. Yes.

Q. With Dr. Astaphan?

(Interpreter translates question; witness answers)

15

Q. Is that right?

(Interpreter translates question; witness answers)

A. Yes.

Q. And that you met Dr. Astaphan, if I put it down right, that some time after Rome '87?

20

(Interpreter translates question; witness answers)

A. But I talked yesterday --

Q. Yes.

A. -- that I -- (Polish spoken) -- that

25

I met Dr. Astaphan first time with Charlie Francis --

Q. Yes?

A. -- apartment, and Charlie Francis
talked with Dr. Astaphan about possibilities to work with
his clinic what he wants to open.

Q. I appreciate that, but I think you
timed it, the time you gave was that it was after the Rome
meeting in 1987?

(Interpreter translates question; witness
answers)

A. The first time?

Q. Yes.

A. No. The first time it was when I
start, it was in '86.

Q. In 1986?

A. Yes.

Q. And Dr. Astaphan hadn't gone to St.
Kitts to practice yet?

(Interpreter translates question; witness
answers)

A. No, it was -- it was nobody knows about
that that he is going to St. Kitts. And Charlie Francis
talked with him and we spent maybe 20, 15 minutes talking
about -- about that and he was calculate everything, how
many patients I would have an hour.

Q. Yes.

A. And it will be possibility to work or not.

Q. Did he ask you whether or not -- did he ask you about your qualifications?

(Interpreter translates question; witness answers)

A. Yes.

Q. Did you agree on salary?

(Interpreter translates question; witness answers)

A. No.

Q. Did you agree on a starting date?

(Interpreter translates question; witness answers)

A. No.

Q. Did you agree on what equipment he will provide or you will provide?

(Interpreter translates question; witness answers)

A. No. It was only first --

THE COMMISSIONER: Preliminary.

THE WITNESS: -- and last -- first and last meeting about at that time about possibilities. And I thought that it will be one patient around one hour, and

it was not as good business to open the clinic with this at this time.

Q. You were just discussing possibilities?

A. Yes.

5 Q. There wasn't any certainty, no fixed contract, no fixed agreement?

(Interpreter translates question; witness answers)

A. No, no, no.

10 Q. You were just exploring the possibility of working with Dr. Astaphan?

(Interpreter translates question; witness answers)

15 A. No. Charlie Francis, he explain him everything, what I am doing. And it was, he explained him and he ask him what will be the possibilities to work together without equipment.

Q. Were you yourself personally interested in a second job?

20 A. Yes. It was Charlie offer me that he knew that my salary are not big enough. And from the beginning, he promised me that he will try to help me to rent better apartment and to live like all the people are living.

25 Q. And it was before you came down to work

in Toronto with the Mazda team, it was before that time that you told us Mr. Francis promised to look into some extra finance for you from the Mazda club?

5 A. From the beginning he told me that he look for another possibilities with another company to find, find the job. And afterwards, he thought that it will be possible -- take the money from -- ask about the money from Mazda club.

10 Q. So, at the outset, it was Mr. Francis saying it was possible to get help from another club, and then afterwards he said we will try to get help from the Mazda club. Is that right?

A. Yes, because it was -- it was not possible with another places --

15 Q. And all along, I take it, you were glad for his help?

(Interpreter translates question; witness answers)

A. Yes.

20 Q. You didn't know your way around Toronto, did you?

THE INTERPRETER: I am sorry?

Q. You didn't know your way around Toronto, you didn't know where to go for help?

25 (Interpreter translates question; witness

answers)

A. No.

Q. You relied very heavily on Mr. Francis?

(Interpreter translates question; witness

5 answers)

A. Yes.

Q. And he brought you into contact with
Dr. Astaphan who couldn't help you at that time?

(Interpreter translates question; witness

10 answers)

A. Yes.

Q. And all along Mr. Francis was concerned
in helping you to get some financial freedom, financial
competence, to earn a bit more money -- I didn't do that.

15 THE COMMISSIONER: I didn't think that
question was that startling myself.

(Interpreter translates question; witness
answers)

THE WITNESS: Yes.

20

MR. SOOKRAM:

Q. Was it Mr. Francis who introduced you
to Mr. Pavone?

(Interpreter translates question; witness

25 answers)

A. No.

Q. Who introduced you to Mr. Pavone?

A. The Canadian athletes.

Q. The Canadian athletes?

5

A. Yes.

Q. And you struck up a deal with Mr.

Pavone, a bargain?

(Interpreter translates question; witness answers)

10

A. No.

Q. You didn't?

A. No.

Q. Mr. Pavone struck up the bargain with you?

15

(Interpreter translates question)

THE COMMISSINER: The word bargain may not be the word.

MR. SOOKRAM: I thank you.

(Interpreter translates question)

20

THE COMMISSIONER: The word bargain -- we have heard the arrangements that he said he made with Mr. Pavone.

MR. SOOKRAM:

25

Q. Yes. Was it you who suggested to Mr.

Pavone that you train -- that you look after him as a physiotherapist, or did he ask you to look after him?

(Interpreter translates question; witness answers)

5 A. They ask me about that.

Q. They?

A. Italian, his coach, Mr. Pavone, also his physician.

Q. I see.

10 THE COMMISSIONER: His father, did you say his father?

(Interpreter translates question; witness answers)

THE WITNESS: No, no, no.

15 MR. SOOKRAM: He said physician, sir.

THE WITNESS: Physician.

THE COMMISSIONER: Physician.

MR. SOOKRAM: His father hadn't come into the bargain at that time?

20 (Interpreter translates question)

THE COMMISSIONER: Well, the bargain, I think, is the word that you are introducing.

MR. SOOKRAM:

25 Q. The arrangement?

(Interpreter translates question; witness answers)

A. After.

Q. His father came in after?

5

A. Yes.

Q. And you told us, I think, the sum that you agreed upon over the next --

THE COMMISSIONER: Six thousand American.

10

BY MR. SOOKRAM:

Q. -- four months was \$6,000.00?

THE COMMISSIONER: American.

THE WITNESS: Yes.

15

MR. SOOKRAM:

Q. Out of which you only received 1,500?

A. Yes.

Q. Where did you receive that money?

20

(Interpreter translates question; witness answers)

A. Before competition in Toronto indoor.

Q. Mr. Pavone came down to Toronto to be looked after by you. Did you give him any services whilst you were in Italy?

25

(Interpreter translates question; witness answers)

A. Yes.

Q. You gave him some services?

5

A. Yes.

Q. How long were you there with him?

(Interpreter translates question; witness answers)

10 THE COMMISSIONER: He told us that yesterday.

A. All the time as all the Canadian team.

THE COMMISSIONER: He told us that he helped him yesterday and that he cured him quite quickly so he could run again, he ran second.

15 MR. SOOKRAM: Yes. He didn't say whether it was a week, sir, or whether it was two weeks.

THE COMMISSIONER: Just a matter of days, I thought. Go ahead.

THE WITNESS: All the time.

20 THE COMMISSIONER: He was there longer. He told us on one incident anyway. Go ahead.

MR. SOOKRAM:

25 Q. The team was there for four weeks?

A. The team was there and I was together with the team.

Q. Yes. Two weeks?

A. It was around three weeks.

5 Q. Around three weeks. And immediately the arrangements were made, you started looking after Mr. Pavone?

(Interpreter translates question; witness answers)

10 A. No, in Italy --

THE COMMISSIONER: He didn't say immediately, Mr. --

MR. SOOKRAM: No, I am putting --

15 THE WITNESS: In Italy we didn't have any agreement.

THE COMMISSIONER: No, you told us you treated him in Italy, though.

20 THE WITNESS: Yes, but it was not agreement, in agreement with Pier-Francisco Pavone. It was fair play. The athletes ask me for help, and I was doing the treatment. It was completely free treatment, not agreement.

BY MR. SOOKRAM:

25 Q. So, in Italy it was free?

A. Yes.

Q. And the arrangement was for this \$6,000.00 to be paid to you for the training that Mr. Pavone was going to get in Canada; is that right?

5 A. I didn't know about the -- that he want to come to Canada. And when he came to Canada, we make the agreement.

Q. So, the agreement was made over here?

A. Yes.

10 Q. Between yourself and Mr. Pavone. Was there anybody else there?

A. His father.

Q. His father. And the three of you sat down and worked it out?

15 A. Yes.

Q. Did you ask him to write it down for you?

(Interpreter translates question; witness answers)

20 A. No. I asked, but they thought when I came to Italy they will -- gave me the agreement, and I thought that I wanted agreement here.

Q. And you were to train him here for four months for \$6,000.00.

25 THE COMMISSIONER: Here and in Europe, I

think. I think here and in Europe, he was going to follow him, I think.

BY MR. SOOKRAM:

Q. Yes. How long were you to train him in
5 Canada before he entered a race in Europe?

(Interpreter translates question; witness answers)

A. All the time.

Q. All the time?

10 A. Yes.

Q. If it took a year to keep training him,
if he kept -- stayed in Canada, all you would have got is
\$6,000.00?

15 A. No, it was not -- is that normal that
the training in the wintertime is a short training.

Q. Yes.

A. Around three months and -- or three and
a half months and after they have a competitions.

20 Q. So, the \$6,000.00 was meant for a
three, three-and-a-half month training?

A. For the four months, because he wanted
if I will be also in Budapest, in the indoor -- in the
indoor track.

25 Q. You could only go there if your team
went there?

A. Yes.

Q. When did they pay you the 1,500?

A. I told you before that few days before the competition in Toronto, Toronto Star or Sun Star.

5 Q. Did you ask him for the balance of the money at that same time?

(Interpreter translates question; witness answers)

A. Yes.

10 Q. What happened?

A. And he told me that I want too much money, and he will pay me maybe 50 or \$100 per one -- per one hour. And my salary are pretty cheap here in Canada, and he doesn't want to pay me that.

15 Q. That is what caused the problem, is it?

A. Yes, because he check from the athletes, probably from somebody, how is my payment monthly. He was smiling that -- he's not -- he doesn't want to pay me big money where I have a small money and I
20 working with the team.

Q. He wanted to pay you the same kind of money that you were paid in Canada?

A. Yes or less.

Q. Or less?

25 A. Yes.

Q. Did you at any time, sir, stop looking after Mr. Pavone yourself and send somebody else to look after him?

(Interpreter translates question; witness answers)

A. No.

Q. You never -- did you ever ask Mr. Pavone to pay somebody, whom you had sent to look after him, \$50 an hour?

(Interpreter translates question; witness answers)

A. Yes, I told him when I stopped work with him, I don't want to work with you any more, go with the -- somebody else, and you will pay him \$50 an hour, but I don't want to work with you any, any minutes more.

Q. And you actually suggested the name of a person who should look after Mr. Pavone?

(Interpreter translates question; witness answers)

A. No, I told there is a lot of therapists in Toronto and try to find somebody there.

Q. You didn't send any therapist to see Mr. Pavone?

(Interpreter translates question; witness answers)

A. No.

Q. But you continued going to his hotel,
didn't you?

A. Not after.

5

Q. Not after when?

A. When I stopped to work.

Q. That was after you received the 1,500;
is that right?

A. Yes, and I told Mr. Pavone that I don't
10 want your money because the agreement was about \$6,000.00,
and take the money. And he -- (Polish spoken)

THE INTERPRETER: And he just threw an
envelope with money.

A. Yes.

15

Q. How much did he throw?

THE COMMISSIONER: It was 1,500.

THE WITNESS: Fifteen hundred.

MR. SOOKRAM:

20

Q. That was the 1,500?

A. Yes.

Q. Was that the senior Mr. Pavone or the
junior -- the man or his father?

(Interpreter translates question; witness
25 answers)

A. No, it was Pier-Francisco Pavone.

Q. That was the athlete?

A. Yes.

Q. Himself?

5 (Interpreter translates question; witness answers)

A. Yes.

Q. Did you think of contacting his father to find out why he had gone back on his arrangement?

10 (Interpreter translates)

THE COMMISSIONER: I think he told us because Mr. Pavone thought he was paying more than his regular salary was.

MR. SOOKRAM: Yes.

15 THE COMMISSIONER: He didn't want to pay him that much.

MR. SOOKRAM: That was the young Mr. Pavone, I think.

20 THE COMMISSIONER: I guess so, both, I guess.

THE WITNESS: Both.

MR. SOOKRAM:

Q. Both of them?

25 A. Yes.

Q. Thank you. How did it come about, sir, that you were offered this job as the physiotherapist for the Italian national team?

(Interpreter translates question; witness answers)

5 A. When I help for Mr. Pier-Francisco Pavone, and at the same time the doctors gave -- the doctors, Italian doctor's opinion was that it's a very big injury and would be possible to -- for him it would be possible train not -- I am not talking about the races,
10 train, start another training after half a year. And my opinion was different. I thought that it would be possible for the athlete ran -- to run after a few days. And after two days, he was sitting in the blocks. And
15 after for another days, he was running 200 meters with pretty good time.

Q. Yes, you told us that yesterday.

A. And in Monte Carlo, after another three weeks, he was running without support on the leg, and he
20 was after Ben Johnson, around 15 --

Q. He came second?

A. -- one and a half meter.

Q. Do you remember his time?

A. No.

Q. All right. So that impressed -- you
25

think -- are you saying that that is what impressed the Italian people to offer you the job?

(Interpreter translates question; witness answers)

5 A. Yes, and the Italian team, the doctors, and the therapist, they was observing what I am doing and they gave me offer to make the clinics and to make the seminars about the treatments, about about my experience. And they wanted if I would stay immediately in Italy.

10 Q. Whom did you have this conversation with, this --

(Interpreter translates question)

 THE COMMISSIONER: Mr. Sookram, how relevant is that? Aren't we getting quite far a field. If you
15 have got a point to make --

 MR. SOOKRAM: I am trying to establish, sir, whether it was the Pavones that offered him the set up or whether it was the doctors --

 THE COMMISSIONER: How material is that to
20 Dr. Astaphan or to me?

 MR. SOOKRAM: Well, Dr. Astaphan was involved in the arrangements, sir.

 THE COMMISSIONER: With the Italian people?

 MR. SOOKRAM: Yes.

25 THE COMMISSIONER: I see. Well, then ask

him that, and let's get right at. I still don't know how it is helpful to anybody.

MR. SOOKRAM: There are other things that needed to be not just glossed over, sir, with respect. I would like to have a little bit of liberty to go into the figures and the reason for the breakdown.

THE COMMISSIONER: Mr. Sookram, I have given you a great deal of leeway, Mr. Sookram.

MR. SOOKRAM: I appreciate that, sir.

THE COMMISSIONER: Let's get on with it then.

BY MR. SOOKRAM:

Q. Is it your evidence, sir, that it was the doctors who asked you to come and look after the national team in Italy?

(Interpreter translates question; witness answers)

A. They are not the doctors, but the people from the Italian association, the therapists association, and with his manager, plus Mr. Pavone, and another sprinters, they talk that it will be official from our federation.

Q. Is it not true, sir, that you accepted a job on the spot, the job offer?

(Interpreter translates question; witness answers)

A. No. I told them that I wanted, because I am very a cool man and I told them that I wanted a contract --

Q. For one --

A. -- first contract. And where we had the contract we start to talk about that, because I don't want to waste my time talking about nothing.

Q. And you asked for -- I take it -- my instructions are that at that time you asked for \$100,000.00 as your salary?

A. Yes.

Q. Is that right?

A. Yes.

Q. And you asked Mr. -- the Pavones to provide a house?

A. Of course.

Q. Yes.

A. Because the apartments are very expenses in Europe.

Q. So, for \$100,000.00 and a house, you were ready to go to live in Italy?

A. Yes. American dollars.

Q. Is it not true, sir, that the same

people who approached you, approached Dr. Astaphan and asked him to join the Italian national team?

(Interpreter translates question; witness answers)

5 A. It is different story. I talked about the offer to Larry Heidelberg, Charlie Francis, Dr. Astaphan, and others, and I was asking about the opinion. And Dr. Astaphan he ask me maybe I will --(Polish spoken) -- I will introduce him to Mr. Pavone. And I introduced
10 Dr. Astaphan to Mr. Pavone. And they start to talk about his agreement.

 Q. Right off the bat Mr. Pavone offered Dr. Astaphan a job?

15 (Interpreter translates question; witness answers)

 A. He start to think about that and he told that he will talk with the association. And after he -- he -- they was talking about that.

20 Q. You see, my instructions, sir, are that your arrangements with the Italian national team were that --

 THE COMMISSIONER: They were discussions only, I think.

25 MR. SOOKRAM:

Q. Your discussions with the Italian national team were this: If you and Dr. Astaphan can go as a team, you as the physiotherapist and he as a doctor, then you have got a job?

5 (Interpreter translates question; witness answers)

A. Yes and not.

THE COMMISSIONER: Well, let's hear the no first and the yes next.

10 THE WITNESS: No, it's not like that. Yes, because they wanted -- if I work with that team and it was a big problem with the physician.

Q. So, they wanted you both?

15 A. They wanted only me. And I wanted -- if we will be together with Dr. Astaphan, because he thought the Italian offer that I will have -- will be possibilities to open the clinic there, plus make the science program. And he thought that he knew a lot about the private clinic and how to arrange, how to be a
20 manager. And he thought that it will be much easier for me and it will be easier also to help with my English language like -- like -- like -- and he looking for my -- (Polish spoken).

25 THE INTERPRETER: He will try to do his best to make sure that all arrangement with the contract will

be all right.

THE COMMISSIONER: Thank you.

BY MR. SOOKRAM:

5 Q. But that arrangement that was discussed with Dr. Astaphan fell through, did it not?

(Interpreter translates question)

THE COMMISSIONER: Well, it's apparent it fell through.

10 THE WITNESS: Yes.

BY MR. SOOKRAM:

Q. Because Dr. Astaphan did not want to live in Italy, and he told them that?

15 (Interpreter translates question; witness answers)

A. No, Dr. Astaphan, he wants to live in Italy. He thought that he has a kids and wife, and he will prefer live in Europe not in St. Kits. And he very appreciate work there, not in St. Kitts.

20 Q. My instructions are, sir, that the whole arrangement fell through for you because they didn't want you alone, they wanted you and Dr. Astaphan. And as you wouldn't go, your contract fell through as well?

25 A. No, they wanted if I will go there they

don't want Dr. Astaphan, and I was the person that I
thought that I -- we want to go together.

Q. So, they still -- wanted you alone?

A. Yes.

5

Q. With or without Dr. Astaphan?

A. Yes.

Q. And they wanted you at \$100,000.00 U.S.
dollars a month and a house.

THE COMMISSIONER: I think he said --

10

THE WITNESS: A year.

MR. SOOKRAM: A year.

THE COMMISSIONER: I thought he said that
was his asking price.

15

MR. SOOKRAM:

Q. That was his asking price. And they
agreed to it?

A. Yes, and with my opinion is not -- is
not a lot, a 100,000 --

20

Q. No, I am not saying it's a lot.

A. From the beginning it was asking price.

Q. But you didn't get it?

A. No.

25

Q. After they had agreed, they still
didn't give it to you?

(Interpreter translates question; witness answers)

A. Yes, it was agreement --

THE COMMISSIONER: Orally?

5 THE WITNESS: -- talking agreement, not on the paper.

BY MR. SOOKRAM:

10 Q. It's the same sort of agreement you had with Mr. Francis when you left Ottawa and came down here. You had nothing in writing?

A. This is completely different story.

Q. That was \$27,000.00, here is 100,000 U.S..

15 A. But --

THE COMMISSIONER: I am still puzzled, Mr. Sookram, how this is really helping me or your client?

THE WITNESS: But when I started to live in Canada --

20 THE COMMISSIONER: That's enough, please. I think we will take a break now.

MR. SOOKRAM: Shall we.

THE COMMISSIONER: We will take a break and reconsider how relevant this is.

25 MR. SOOKRAM: Very well.

-- Short Recess

THE COMMISSIONER: Mr. Sookram?

MR. SOOKRAM: Thank you, Mr. Commissioner.

5 Mr. Commissioner, sitting at my table is my junior partner, Mr. Levine, not the associate, Mr. Levine. This is Mr. Lawrence Levine.

THE COMMISSIONER: You have two Levines now?

MR. SOOKRAM: Yes.

10 THE COMMISSIONER: Is that better than one?

MR. SOOKRAM: In different respects, your Honour. They're both specialists in their own field.

THE COMMISSIONER: Thank you.

15 MR. SOOKRAM:

Q. Mr. Matuszewski, sir, I now have to move on to the question of money, specifically to the question of money. We've heard your testimony yesterday and we saw the contract whereby you were given a bonus of \$25,000 for your work with several athletes. No doubt about that?

20 (Interpreter translates question; witness answers.)

A. No.

Q. And the contract specifically said that this \$25,000 was for the year 1988?

25

(Interpreter translates question.)

THE COMMISSIONER: May we have the exhibit, please? Is it 132?

MR. SOOKRAM: 133.

5 THE COMMISSIONER: Go ahead, please. Go ahead, Mr. Sookram.

MR. CZUMA: I wonder, your Honor, if the witness could be given a copy of the contract as well.

10 THE COMMISSIONER: Yes. Will you hand a copy to the witness, please?

MR. SOOKRAM: Fourth line down, Mr. Commissioner.

THE COMMISSIONER: All right. Go ahead. For the first three-quarters?

15 MR. SOOKRAM: Yes.

MR. SOOKRAM:

20 Q. \$18,750 U.S. for the first three-quarters of 1988 and the balance of \$6,250 you admitted getting in October?

A. Yes.

Q. Or sometime later?

A. Yes, it's October.

25 Q. So you've got a bonus of \$25,000 from the track club?

A. Yes.

Q. The Mazda team?

A. Yes.

5 Q. And that was over and above the income
you received from the Track and Field Association?

(Interpreter translates question; witness
answers.)

A. Yes.

10 Q. And at that time, were you still behind
the athletes one by one to give you a percentage of their
earnings or any portion of their earnings?

(Interpreter translates question; witness
answers.)

15 A. No, because we came -- we went to the
Olympic Games, and with the Olympic Games, it was not --
we never talk about any money after the Olympic Games.

Q. You never did?

A. No.

Q. Not with any athlete?

20 A. No.

Q. And you have no knowledge, I take it,
that the athletes had been complaining to Mr. Francis
about your going to them over and over demanding money?

25 (Interpreter translates question; witness
answers.)

THE COMMISSIONER: When do you say that?

Excuse me. When do you say that, after the Olympics? He said they had no discussion about money after the Olympics.

5

MR. SOOKRAM: No discussion about money after. This was before, sir. This was after he got his bonus.

THE COMMISSIONER: All right.

10

A. No, I didn't talk with the athletes after the meeting in '88 and when they promised that they will cover all my expenses. It was, it was last time when I talk about the money with the athletes, when they promise, not they, but Larry Heidebrecht promised that he will cover my expenses.

15

THE COMMISSIONER: For Seoul? For Korea?

20

A. For all my trips. It was last time at this moment, and I never talked another time with the athletes about or with Charlie or with Larry about another money, only about money from Scarborough Optimists Club because Charlie offered me that money first in 1987 in Italy, \$10,000. I never find. And he offer me in '88 that the Scarborough Optimists Sport Association, they will give me in '88 \$25,000, and I find the money, \$18,750, August 6th, '88.

25

MR. SOOKRAM:

Q. So you weren't concerned at that time in 1988 to collect any more money from the athletes?

THE COMMISSIONER: He said something about his expenses to be covered.

MR. SOOKRAM: Just the expenses.

(Interpreter translates question; witness answers.)

A. No. It was Olympic Games, and I never talk about any money with his profits from the Olympic Games. I know only that Jamie Astaphan, he told that for everybody who work with the athletes and especially with Ben Johnson, and when Ben Johnson will be gold medalist then Diadora will pay, not pay but will give to everybody a car like, expensive car, and after gold medal --

MR. SOOKRAM:

Q. We will come to that. I just want you to confine yourself for the moment to the athletes themselves. Were you aware, sir, that the athletes had complained to several people and to you personally --

(Interpreter translates question; witness answers.)

A. When I start to talk with the athletes, they told that they pay enough percentage to the manager

and they don't want to pay anymore and I have to discuss with the manager. And it was last time when I spoke with the athletes about that.

5 Q. Did Dr. Astaphan ever tell you that athletes had told him that you were pestering them for money and that you shouldn't do it anymore?

(Interpreter translates question; witness answers.)

A. No --

10 (Interpreter translates question; witness answers.)

A. No, opinion of Dr. Astaphan was the difference, that the athletes have to pay the money, not only me but they have to pay also him the money.

15 Q. Dr. Astaphan had a contract in June fixing his income with one athlete only. Did you not know that?

(Interpreter translates question; witness answers.)

20 A. No, I didn't know about that. He all the time told me, I don't know if he spoke with the athletes, but he told me that he never find any money and he wants the money.

25 Q. Did you not know that no athlete has ever paid Dr. Astaphan for his services except Mr. Johnson?

You didn't know that at all?

(Interpreter translates question; witness answers.)

5 A. No, I didn't know, and I didn't ask the athletes. I didn't ask the athletes how much their sponsors are paying him, and I didn't ask Charlie how much Ben or the other athletes they gave the money a year or a month or something like that.

10 Q. All you were concerned about was getting your share?

A. It's not nice to ask somebody how much money do you pay a month or day or year.

Q. Did you know who went about Europe and elsewhere getting these sponsorships for the athletes?

15 (Interpreter translates question; witness answers.)

A. With my opinion, the athletes' manager, Larry Heidebrecht.

20 Q. Is that your opinion or is that your knowledge?

(Interpreter translates question; witness answers.)

A. No, it's my opinion because he was the manager. They pay him, and it was his job.

25 Q. You don't know for a fact that Mr.

Heidebrecht arranged it all?

A. I know that he was arrange everything, but with everything with himself, I don't know because I never spoke with Mr. Heidebrecht together with the
5 sponsors in Europe or in Canada or in other countries.

Q. You were shut out of it completely?

A. Yes, completely.

Q. Is there any reason why you thought you were shut out?

10 (Interpreter translates question.)

THE COMMISSIONER: You used the word shut out. Excuse me a moment. You used the word shut out; he didn't, Mr. Sookram. I'm not sure how relevant this is yet. We've got the general picture, I think.

15 A. Yes and no, but I have my knowledge to prepare the athletes and, as with training, I don't want to train with the athletes. I don't want to ask about the money. It was a lot of result with that. First, I don't know anything about the financial situation about
20 training, and I don't know anything, how to arrange the meetings with the sponsor and how to talk with that. It's not my, it's not my -- it's not my specialization, and they don't pay me for that.

25 MR. SOOKRAM:

Q. Were you happy, sir, with what you were being paid at the time?

THE COMMISSIONER: He wasn't being paid very much.

5 (Interpreter translates question.)

THE COMMISSIONER: He wasn't being paid very much, Mr. Sookram.

MR. SOOKRAM: No, but --

THE COMMISSIONER: And he worked very hard.

10 MR. SOOKRAM: Yes.

MR. CZUMA: I'm just wondering at what time as well?

THE COMMISSIONER: Well, I'm not sure that whether he's happy or not has --

15 MR. SOOKRAM:

Q. In 1987, sir, were you aware that the club was earning a lot of money from foreign meetings?

20 (Interpreter translates question; witness answers.)

A. I was thinking after, especially after the biggest contract with Diadora with Ben Johnson, that it's the biggest contract in sport's history, and I knew that --

25 Q. You knew?

A. -- that the big money are the club money.

Q. And that was the time when you thought you ought to get a share of it?

5 (Interpreter translates question; witness answers.)

A. No, I don't. Charlie Francis, he offer me the money from the beginning. He offer me the money before that, and he offer me the money in Italy in '87.
10 He never gave me the money and he promised that he would give me the money next year, and I was not sure if he would give me the money or not.

Q. But, Mr. Matuszewski, with all respect, sir, Mr. Francis is only the coach. It's not his money.
15 Did you accept his promise?

(Interpreter translates question; witness answers.)

A. Yes, because he was my manager and he gave his money from the athletes' money to the
20 association, from the beginning.

Q. Are you telling this Commission that Mr. Francis was handling the funds of Mr. Johnson?

(Interpreter translates question; witness answers.)

25 A. He --

MR. CZUMA: Well, that question perhaps could be retranslated. I understand Polish, and it wasn't translated in its entirety and there was an important point that was left out in it.

5 THE COMMISSIONER: All right. Repeat the question then, please, and have it translated.

Mr. Sookram, I think we must get on and give something more relevant here. Obviously -- I'm not sure how helpful this is. I understand what you're trying to establish, but where's it getting you or me?

10

MR. SOOKRAM: Sir, there's a lot of money involved here, and this witness made allegations yesterday that it was my client who offered him a tremendous amount of money.

15 THE COMMISSIONER: Well, we haven't got to that yet. That's --

MR. SOOKRAM: But we'll be coming to that because we know, we've got the evidence here that Mr. Earl was handling the money when Mr. Johnson wasn't doing it himself. We've got the information here that Mr. Heidebrecht --

20

THE COMMISSIONER: No, but he was testifying to at a time when it looked like Mr. Francis was no longer going to be the coach, that there had been a falling-out between Mr. Francis and Mr. Johnson, and, at that stage,

25

the team was left with Dr. Astaphan and Mr. Matuszewski.

MR. SOOKRAM: We'll be coming to that, sir,
but we've got --

5 THE COMMISSIONER: That's the time he's
talking about, when there's a falling-out in Italy.

MR. SOOKRAM: Yes.

THE COMMISSIONER: And at that stage, Mr.
Francis was no longer the coach, officially, and they're
trying to plan Mr. Johnson's future without Mr. Francis.

10 MR. SOOKRAM: I'll be coming to that
almost --

THE COMMISSIONER: That's when this
discussion --

MR. SOOKRAM: Almost in the next turnover.

15 THE COMMISSIONER: All right. Then turn
over right now.

MR. SOOKRAM: But we need to know, sir,
whether or not at one time --

THE COMMISSIONER: Well, we know Mr. Francis
20 is not handling Mr. Johnson's money.

MR. SOOKRAM: This witness should be able to
tell us whether or not he promised.

THE COMMISSIONER: Mr. Francis made the
arrangements with the C.T.F.A. --

25 MR. SOOKRAM: He didn't say that, sir, with

all respect.

THE COMMISSIONER: For his fees, apart from this contract here.

MR. SOOKRAM: Yes. Now he's saying Mr.
5 Francis offered him other moneys.

THE COMMISSIONER: Mr. Francis offered him a job to come to Toronto at the very beginning.

MR. SOOKRAM: Yes.

THE COMMISSIONER: And discussed financial
10 arrangements with him.

MR. SOOKRAM: But that wasn't his last bit of testimony, sir, with respect.

THE COMMISSIONER: Ask one more question and please get on to the next stage.

MR. SOOKRAM: Yes, sir.
15

MR. SOOKRAM:

Q. Now, sir, you said Mr. Francis offered you some more money?

A. Yes.
20

Q. Out of the big moneys that Mr. Johnson was expected to earn in Europe?

(Interpreter translates question; witness answers.)

A. No.
25

Q. Out of the big sums that other athletes had been earning in Europe?

(Interpreter translates question; witness answers.)

5

A. No.

Q. The money was not to come from the club, the club earnings from foreign meets?

(Interpreter translates question; witness answers.)

10

A. The money, what he offer me, he told that it would be from the sponsor.

Q. From the sponsor?

A. Yes.

15

Q. And at that time you knew that Mr. Heidebrecht was negotiating with a sponsor, did you not?

A. Yes.

Q. And you accepted Mr. Francis' word that he would be able to negotiate it for you?

(Interpreter translates question; witness answers.)

20

THE COMMISSIONER: That was Mazda at that time.

A. Yes.

25

THE COMMISSIONER: That was Mazda that was the sponsor at that time he's talking about.

A. Yes.

MR. SOOKRAM:

5 Q. All right. Now we come to the
discussion you claim to have had in Padova with Dr.
Astaphan.

(Interpreter translates question; witness
answers.)

A. Yes.

10 Q. Yesterday, am I right in saying, you
told us that you knew the training program of each
athlete; was that right?

(Interpreter translates question; witness
answers.)

15 A. Yes and no, because I know the program
that every second day was speed training, but with the
speed training it was individual training and it was
weight training, and I knew everything but like nothing
because if you don't know specifically, you don't know
20 anything. When you know specifically, you are a
specialist.

Q. You didn't --

A. Like Charlie Francis.

25 Q. You didn't know how often they were to
have speed tests?

A. I knew. I knew that three times a week, but the speed training is the most important training. The times are very important, the break are very important, the -- (Speaking Polish.)

5 THE INTERPRETER: Frequency.

A. The frequency are very important, what is the frequency the athletes are running, and this is a secret of Charlie Francis and nobody knew about it, why he's better than others.

10 Q. And you'd been with him for 1986, '87 and '88, and you didn't learn any of that?

A. No, because I'm not interested in his training. It's not my job, and I -- when I'm not a car mechanic, why I want to fix my car? It's not my job.

15 Q. Now, you told us that Dr. Astaphan suggested that he receives \$10,000 per month, that he told you that, that he'd receive \$10,000 per month, and you'll get \$5,000; is that right?

(Interpreter translates question.)

20 THE COMMISSIONER: This is a discussion in Italy now?

MR. SOOKRAM: Yes.

THE COMMISSIONER: You might identify the time for the witness.

25 MR. SOOKRAM: I did indicate to him it took

place in Padova.

(Interpreter translates question; witness answers.)

A. Yes.

Q. And that is in Italy?

A. Yes, Padova.

Q. What month was that?

(Interpreter translates question; witness answers.)

A. It was when Dr. Astaphan with Ben came to Italy from St. Kitts.

Q. What month was that?

A. It was June.

Q. And you've got the date there, I take it?

(Interpreter translates question.)

THE COMMISSIONER: I think we have that established someplace when they were in Padova. Mr. Armstrong, do you recall?

MR. ARMSTRONG: They arrived June the 9th.

A. Okay. I have, I kept about that with my calendar, the notes, with 9th of June, but sometimes the dates are not at the same time because I make the notes with small calendar like that and the notes are going for three or four days, the same notes from the same day.

THE COMMISSIONER: All right, we have it,
around June the 9th.

A. But it was in Padova in Italy.

5 MR. SOOKRAM:

Q. And Dr. Astaphan stayed in the same
hotel with you?

(Interpreter translates question; witness
answers.)

10 A. No. No, Dr. Astaphan with Ben, they
came from St. Kitts. They lived with another hotel across
the street, a better hotel.

Q. Oh, yes, no doubt about that. That
upset you, didn't it, that you weren't staying at the same
15 hotel?

(Interpreter translates question; witness
answers.)

A. No, Charlie Francis was not very glad
when Ben was not together with the group because after the
20 athletes, they have more problems. The sponsor don't want
to give him the best hotel. They don't want to give him
possibilities to go to the sauna, possibilities to go to
fitness club. Everything was only for Ben Johnson.

Q. I see.

25 A. And at that time, they live with another

hotel and it was big problem for the athletes and also it was a lot of, the people talk a lot because day after day Jamie Astaphan spend with Ben Johnson with disco. They are finished the day, they are finished the day, next morning.

Q. And this closeness between Dr. Astaphan and Mr. Johnson didn't please you, did it?

(Interpreter translates question; witness answers.)

A. For me, it didn't matter.

Q. It didn't matter at all?

A. No, everybody want if he will be together with that group.

Q. Yes.

A. But if Dr. Astaphan --

Q. We know what they want. Did it upset you at all, and you said no?

(Interpreter translates question; witness answers.)

A. No.

Q. All right. Now, let's take it from there. How many days after they arrived from St. Kitts did this alleged discussion take place, this discussion you talked about?

(Interpreter translates question; witness

answers.)

A. It was the same day, and Dr. Jamie Astaphan start to talk about that, that would be the best when --

5 Q. We'll come to that. They arrived from St. Kitts on the 9th. You are staying at a different hotel; Dr. Astaphan and Mr. Johnson staying at a different hotel. Where did this meeting take place?

A. At the stadium.

10 Q. So they came from abroad and went straight to the stadium to meet you; is that what you're telling us?

(Interpreter translates question; witness answers.)

15 A. I don't know at what time they -- (Speaking Polish.)

THE INTERPRETER: Arrived at the hotel.

A. -- arrived to the hotel. But the first time it was at the stadium in the morning where all the athletes come there, and Ben Johnson with Jamie Astaphan came there.

20 Q. So they knew that they would find you at the stadium?

(Interpreter translates question; witness answers.)

25

A. They knew that all the athletes and the coach and the manager every day are at the stadium because it was a normal program training.

5 Q. And what time in the morning would this be, sir?

(Interpreter translates question; witness answers.)

10 A. I don't remember what time. It was the normal training. Sometimes the training was earlier; sometimes it was around 2 o'clock; sometimes at 11 o'clock. It's difficult to tell you.

Q. Two o'clock would be in the afternoon?

15 A. Yes, 2 o'clock in the afternoon, but it's difficult to be precise what time it was the training that day in Padova.

Q. What time do you usually start in Padova?

THE COMMISSIONER: He said sometimes they train in the morning, sometimes in the afternoon.

20 A. The training. But I started to work with the athletes after breakfast or sometimes before breakfast, to loose them up.

MR. SOOKRAM:

25 Q. No, I'm talking about a particular day,

sir, please.

(Interpreter translates question.)

Q. You're telling us that these two people came from St. Kitts on a long flight and that morning they came to you at the stadium. You can remember that well.

(Interpreter translates question; witness answers.)

A. I don't know at what time they arrive to their hotel and I find -- I don't know it was the same day or next day --

Q. I'm not concerned about what time they arrived at the hotel.

THE COMMISSIONER: Please now, Mr. Sookram, let him answer the question. He said he's not sure if it was that day or the next day.

MR. SOOKRAM: But he said categorically, sir, at one stage it was that day.

THE COMMISSIONER: Well, now he said he's not sure, is that right, whether they came to the stadium that day or the next day. He doesn't know when they arrived.

Do you recall whether the conversation was the day they arrived, at least the day that you arrived? Or was it later on?

(Interpreter translates question; witness

answers.)

A. No. The athletes and I was earlier.

THE COMMISSIONER: Right.

5 A. And I find Ben and Dr. Astaphan at the stadium where the athletes train, but I don't know exactly what day --

THE COMMISSIONER: At this time Mr. Francis wasn't talking to Mr. Johnson. Remember, this is when they had the fall-out.

10 A. And I don't know if he was there a few hours only or he spent all night or he spent all night and half a day. I don't know specifically what hour they arrived to Italy.

15 MR. SOOKRAM:

Q. And you don't know specifically, either, what day of the week it was?

(Interpreter translates question; witness answers.)

20 A. No.

Q. And you couldn't tell this Commission whether --

THE COMMISSIONER: He said he thought it was around June the 9th.

25 MR. SOOKRAM: Yes.

A. It's with my, about that, but I make the notes with my diary --

THE COMMISSIONER: And you put them in some other time later?

5 A. Yes.

MR. SOOKRAM:

Q. Could it be, sir, that this meeting with, that you say you had with Dr. Astaphan with Mr. Ben
10 Johnson in tow took place three days after the arrival?

(Interpreter translates question.)

THE INTERPRETER: Is it possible or impossible?

Q. Yes, is it possible?

15 (Interpreter translates question; witness answers.)

A. Yes, it's possible.

THE COMMISSIONER: I'm not sure he knows exactly when they arrived in Padova.

20 MR. SOOKRAM: Precisely. He hasn't got a clue. Just as he probably hasn't got a clue about what took place.

THE COMMISSIONER: You're assuming he knows the day they arrived. He doesn't know when they arrived.
25 They could have been there before he knew they were there.

A. Yes, it's possible.

MR. SOOKRAM:

Q. So it's possible it's three days after,
5 four days after, five days after?

A. Yes.

Q. You haven't got a clue?

(Interpreter translates question.)

THE COMMISSIONER: All right.

10 MR. SOOKRAM:

Q. Now, sir, you are sure it was the
morning, or have you changed your mind since, this
meeting?

15 (Interpreter translates question; witness
answers.)

A. It was at the stadium.

Q. Morning meeting or afternoon?

(Interpreter translates question; witness
20 answers.)

A. I don't remember. Ask the athletes or
Charlie Francis at what time was the training.

Q. I see. So this meeting with Dr.
Astaphan could have taken place in the morning or in the
25 evening?

(Interpreter translates question; witness answers.)

A. It was at the stadium. It was --

Q. I know it's the stadium.

5 THE COMMISSIONER: It wouldn't be in the evening, though. He said -- morning or evening.

A. It was not evening.

MR. SOOKRAM:

10 Q. It was not evening. Definitely it was in the morning?

A. It was --

THE COMMISSIONER: He said he didn't know whether it was morning or afternoon.

15 A. It was when was the training --

THE COMMISSIONER: Excuse me. He said several times it could have been in the morning; it could have been the afternoon.

MR. SOOKRAM: Now he's changing his mind.
20 He's saying it's in the morning.

THE COMMISSIONER: No, but go ahead.

A. I didn't change my mind.

THE COMMISSIONER: Do you recall whether it was in the morning or afternoon?

25 A. I don't remember specific time but it

was when was the training, Canadian team training at the stadium. I'm sorry, sir, I don't remember the time. It was not yesterday.

5 MR. SOOKRAM:

Q. And you remember that Mr. Johnson came with Dr. Astaphan?

A. Yes.

Q. And you had this conversation with him?

10 A. Yes. First was another conversation.

Q. Well, you didn't tell us about that other conversation yesterday.

(Interpreter translates question; witness answers.)

15 A. Nobody asked me about it.

Q. I see. Now, tell us a little bit about that other conversation and do tell us who was there first?

(Interpreter translates question; witness answers.)

20 A. There was Dr. Astaphan, Ben Johnson, Charlie Francis, and I asked Ben, "How are you feeling?" And he told fine, and I wanted to check his leg. And Dr. Astaphan, he told that everything is great now, and I
25 told -- I asked Dr. Astaphan, "Did you make the myography

for his leg, for his muscles" because with my --

Q. You told us that yesterday. Have you forgotten already? You did tell us that yesterday.

(Interpreter translates question.)

5

MR. CZUMA: Mr. Commissioner --

THE COMMISSIONER: Now, please, now, Mr. Sookram, there's no reason for yelling at the witness. Now, come on now.

10

You did tell us about an incident where you asked Dr. Astaphan whether he had given this test. You told us that yesterday.

A. Yes, I told, I asked Dr. Astaphan about that, I told yesterday, and I asked Dr. Astaphan if he make the myography?

15

THE COMMISSIONER: Is this the other conversation you're talking about or is there another one you want to tell us about?

A. And after that conversation there was another.

20

THE COMMISSIONER: Let's hear the other one, now.

A. Yes. And after that conversation was another conversation --

25

MR. SOOKRAM:

Q. That's a third conversation.

THE COMMISSIONER: Please, Mr. Sookram.

He's making it clearer now. Be fair now.

What's the other conversation that you have
5 not told us about?

A. And when Charlie Francis was not with
Jamie, we walked together, and Jamie start to offer me his
job.

10 MR. SOOKRAM:

Q. And that's the third conversation?

A. Yes.

Q. You told us that yesterday as well.

THE COMMISSIONER: No, no, not quite. He
15 said there was a conversation with Charlie Francis and Ben
Johnson and Dr. Astaphan.

MR. SOOKRAM: Yes.

THE COMMISSIONER: Where it was a discussion
of what treatment Dr. Astaphan had given in St. Kitts.
20 Now that conversation is over.

MR. SOOKRAM: Yes.

THE COMMISSIONER: Mr. Francis leaves. Is
that right? Mr. Francis is not there now.

(Interpreter translates question; witness
25 answers.)

A. No.

THE COMMISSIONER: Then you have a conversation with, was it just Dr. Astaphan, when he offered you some job?

5 (Interpreter translates question; witness answers.)

A. Yes.

THE COMMISSIONER: And Mr. Johnson wasn't there either at this time?

10 A. No.

THE COMMISSIONER: All right, now we have it. What was said then?

A. When we walk, only two of us, and he start to offer me a job.

15

MR. SOOKRAM:

Q. Dr. Astaphan offers you a job?

A. Dr. Astaphan starts to talk about a job to work with him and with Ben and forget about all the Canadian team.

20

Q. I see. And he offered you \$5,000 a month for yourself?

A. Yes.

Q. And you said he told you he was going to take \$10,000 a month for himself?

25

A. Yes.

Q. And at that time, were you aware of the fact that Dr. Astaphan already had a contract for \$10,000 a month with Mr. Ben Johnson?

5

(Interpreter translates question; witness answers.)

A. No.

Q. You didn't know that?

10

A. No, he never tell me about that. He told me that he never find any dollars from the athletes.

Q. And you didn't know that this matter had been discussed already with the Track and Field Association?

15

(Interpreter translates question; witness answers.)

Q. Dr. Astaphan's contract?

A. No.

Q. Now, did you ask the doctor where he was going to get --

20

THE COMMISSIONER: I'm sorry, Mr. Sookram. What was the date of this meeting in Padova?

MR. SOOKRAM: This was June, he said.

THE COMMISSIONER: Well, the contract with Dr. Astaphan was in July.

25

MR. SOOKRAM: It was written in July, sir.

THE COMMISSIONER: All right. So there was no contract in June with Dr. Astaphan?

MR. SOOKRAM: No written contract. There were agreements on the telephone.

5 THE COMMISSIONER: Inadvertently I think you were wrong.

MR. SOOKRAM: I stand corrected. There were agreements, not contracts.

10 THE COMMISSIONER: At that time there's no contract. Thank you. Go ahead, please.

MR. SOOKRAM:

15 Q. Now, not only were you to get \$5,000 a month, did you understand that Dr. Astaphan was going to pay you \$5,000 a month?

(Interpreter translates question; witness answers.)

20 A. He told that he wants to arrange everything with Ben, and he wants if I work with Ben and he wants if Ben will pay me that money.

Q. I see. So it wasn't Dr. Astaphan that was going to pay you \$5,000 a month; he told you that?

(Interpreter translates question; witness answers.)

25 A. He never say. He told that he will pay

me the money, but he never, he never say that the money will pay by Ben Johnson. He told that he will pay me the money.

5 Q. So at the end of the month, if you had taken the job, you expected Dr. Astaphan to pay you \$5,000?

(Interpreter translates question; witness answers.)

10 THE COMMISSIONER: I think he discussed --

A. Yes.

15 THE COMMISSIONER: -- yesterday, the plan would be with sort of Mr. Johnson as a star they would expand their operations with other athletes. Isn't that what you said? You were going to build up a new sports club?

(Interpreter translates question; witness answers.)

A. Yes.

20 (Interpreter translates question; witness answers.)

A. Yes.

THE COMMISSIONER: That's what he told us yesterday.

25 MR. SOOKRAM: That's what he said. I'm just trying to make sure that we all are aware of the fact of

where he was going to get his money from.

THE COMMISSIONER: Go ahead. I'm sorry.

MR. SOOKRAM:

5 Q. So at the end of the month, you expected, if this contract were to materialize, you'd go to Dr. Astaphan and he's going to give you \$5,000?

(Interpreter translates question; witness answers.)

10 A. Yes.

Q. And after the Olympics, you were going to go to Dr. Astaphan and get a quarter of a million dollars?

A. Yes.

15 Q. Yes. And not only that, on top of all that, you were going to get 5 percent of all the advertising revenues that was collected on behalf of the athletes?

(Interpreter translates question; witness answers.)

20 A. Yes.

(Interpreter translates question; witness answers.)

A. Yes.

25 Q. And you did tell us, unless my notes are

totally wrong, that the money, all this money was offered to you whether or not Mr. Johnson won the gold medal?

(Interpreter translates question; witness answers.)

5

A. No. It was the money in the Olympic Games. He told that the money will be when he took the gold medal.

THE COMMISSIONER: I think that's what he said yesterday. Mr. Armstrong asked him that question.

10

MR. SOOKRAM: I don't have that in my notes.

THE COMMISSIONER: Well, I think Mr. Armstrong asked that question.

MR. ARMSTRONG: I asked that question twice and got that answer.

15

MR. SOOKRAM: "And this was money offered whether Mr. Johnson won or lost."

THE COMMISSIONER: No, Mr. Armstrong asked him the question, was it only if Mr. Johnson won the gold medal and he said yes. I think you'll find that in the transcript. That's the way I recollect it. I'm sure that was the answer. We'll check it.

20

MR. ARMSTRONG: Well, if Mr. Sookram has the time that he asked that question, maybe we can refind it.

THE COMMISSIONER: He only keeps the time of his own questions.

25

MR. SOOKRAM: The answer I got, and I don't have a time on it --

THE COMMISSIONER: Is that your notes?

MR. SOOKRAM: If he won, that was the
5 question and he said yes. "Same if he did not win."
Those were the words from the witness. "Same if he did not win."

(Interpreter translates question; witness answers.)

10 A. I never say like that.

THE COMMISSIONER: Well, we'll check the transcript.

MR. SOOKRAM: Yes, please, particularly that phrase, "same if he did not win."

15 THE COMMISSIONER: We'll check the transcript.

MR. SOOKRAM: Thank you, sir.

MR. SOOKRAM:

20 Q. And so you were looking for a very big payday?

(Interpreter translates question; witness answers.)

A. Yes.

25 Q. Did you bargain for this quarter million

dollars' bonus?

(Interpreter translates question; witness answers.)

A. With who?

5 Q. With Dr. Astaphan?

(Interpreter translates question; witness answers.)

A. Yes, I told him, "Please give me the contract."

10 Q. No, no. To arrive at this quarter million dollars, Dr. Astaphan just said to you, "Mr. Matuszewski, if Mr. Johnson wins, I'll give you a quarter million dollars"?

15 (Interpreter translates question; witness answers.)

A. Yes.

Q. He didn't start at a lower figure and say, "I'll give you \$100,000"?

20 (Interpreter translates question; witness answers.)

A. No.

Q. And then build up to \$200,000?

(Interpreter translates question; witness answers.)

25 A. No. We talk, we talk about around

\$200,000, 500,000, up, and I thought it too much money,
that \$250,000 -- because it will be big money, I thought
that it's impossible to pay big money like that. That 2,
250,000, he said, enough money for paying.

5

10

15

20

25

Q. You mean he offered you as much as half a million dollars?

A. No, we were talking about bigger money or a little bit less money. And I talked the bigger money, with my opinion, are impossible because the money are pretty big. Now, the money are pretty big.

Q. And you knew how big it was at that time?

(Interpreter translates question; witness answers.)

A. For me the money are very big.

THE COMMISSIONER: What money are you speaking of now, Mr. Sookram?

MR. SOOKRAM: He is talking about a quarter of a million dollars.

THE COMMISSIONER: I see.

MR. SOOKRAM: To him it was a lot of money.

THE WITNESS: Yes, for me personally, for me --

MR. SOOKRAM:

Q. So, you jumped at the bargain?

A. -- it is a lot of money. Yes.

Q. You liked it very much much? It sounded about right?

(Interpreter translates question; witness answers)

A. Yes, I told him that it will be very nice, but I want the contract.

5 Q. Yes.

A. And I talked about that immediately with Charlie Francis and Larry --

Q. We will come to that, just let's deal with the money. We will come to that in a minute.

10 THE COMMISSIONER: He admits it's a lot of money.

MR. SOOKRAM: Yes.

BY MR. SOOKRAM:

15 Q. Did you ask Dr. Astaphan where he was going to get the money to give you from?

(Interpreter translates question; witness answers)

A. He told that the money --

20 Q. Did you ask him?

(Interpreter translates question; witness answers)

25 A. Yes, I ask him. And he told me that the money will be from the sponsors after Olympic Games, and after from the all advertisements.

Q. Did you ask which sponsors and which advertisements?

A. He told that from Diadora and another advertisements.

5 Q. But you had known of Diadora before, hadn't you?

(Interpreter translates question; witness answers.)

10 A. The name and I never have agreement with Diadora and I never came there, only Dr. Astaphan with Ben and Larry and Charlie.

Q. So, you, as soon as he told you that, did you think I better confirm this with the man who is going to pay it, Mr. Johnson?

15 (Interpreter translates question; witness answers)

A. At first I was working with Canadian team, I didn't have time to talk with anybody. And second, I am very naive, when somebody is saying me like
20 Charlie Francis about the money, or the Italian when after I knew that they was liar, the same was in the Dr. Astaphan when he offer me. I told him everything will be all right, but after when you will give me the contract.

Q. Did you think of asking Mr. Johnson?

25 (Interpreter translates question)

Q. Whether he was going to pay you?

A. No. Dr. Astaphan, I ask Dr. Astaphan about this and he told me that he -- he talked with Mr. Johnson, and he told me that he wants if I will be work with him and he wants pay me that money. When I wanted to ask Mr. Johnson, all the time he was pretty busy. At first time I have a chance, when we came to the airport and Jamie -- for Mr. Johnson was a special car --

Q. How many days after this conversation?

A. After --

Q. Did you go to the airport?

(Interpreter translates question; witness answers)

A. After with the meeting was over.

Q. You went straight to the airport?

A. Everybody, all the team.

Q. So, the day when all this took place --

THE COMMISSIONER: After the meet was over, I think he is talking about the -- was there a meet there -- was there a track meet?

THE WITNESS: Yes.

(Interpreter translates)

THE COMMISSIONER: They all left after the track meet?

THE WITNESS: After the track meet was

over.

THE COMMISSIONER: Not this meeting --

BY MR. SOOKRAM:

5 Q. So, between the day you had this conversation -- which you say you had with Dr. Astaphan, and the day the team left Italy to come back to Toronto, you had no chance to ask Mr. Johnson whether or not this agreement meets with his approval?

10 A. You, if you want to believe me or not, but Mr. Johnson --

Q. I am asking you --

THE COMMISSIONER: Let him answer the question.

15 THE WITNESS: -- Mr. Johnson --

MR. SOOKRAM:

Q. Whether I believe you or not is not material.

20 MR. CZUMA: Perhaps he could finish his response.

THE WITNESS: Mr. Johnson was pretty busy with Dr. Astaphan. They spent night after night in the club, and Mr. Johnson slept half a day. And I didn't have
25 time. And everybody, Charlie was mad because it was not

the athlete type of living. And I didn't have a chance to talk with Mr. Johnson about -- about any bargain.

BY MR. SOOKRAM:

5 Q. So, this conversation which you say it took place in the stadium was not followed immediately by the team leaving for Canada?

(Interpreter translates question)

Q. There were days in between.

10 (Interpreter translates question; witness answers)

A. Of course not, it was --

Q. All right. There were days in between when Mr. Johnson came to the track to train?

15 (Interpreter translates question; witness answers)

A. Yes.

Q. And you massaged him after his training?

20 A. No, never.

Q. Never at all?

A. No.

Q. You weren't his masseur?

A. He doesn't want any treatment.

25 Q. From you?

A. At that time, because he was not the athlete, he doesn't want to train with the group, and he never ask me about any treatment.

5 Q. I see. So, you never saw him at all; is that what you are saying to us?

A. I saw him in the restaurant together with all the athletes in Padova. And I have the nice picture, the Italian make him a special big cake with Ben Johnson on the --

10 Q. You didn't get to speak to him there either?

A. Everybody was sitting there and they were talking about everything and nothing.

15 Q. Did you ask him about this quarter million dollars when you came to Canada.

(Interpreter translates question; witness answers)

A. Ben or Dr. Astaphan?

Q. Mr. Johnson?

20 A. No, I didn't ask him about that.

Q. Have you asked Mr. Johnson, until this day, about this quarter million dollars that you were supposed to have received, that you were supposed to receive if he won the Olympics.

25 THE INTERPRETER: I am sorry, if you could

repeat the question, please.

Q. Have you ever to this day ever raised
the question of quarter million dollars with Mr. Johnson?

THE COMMISSIONER: The event never
5 occurred, though?

(Interpreter translates)

THE WITNESS: No.

MR. SOOKRAM:

10 Q. Up to the Olympics, sir?

A. No.

THE COMMISSIONER: I mean it never
crystalized.

THE WITNESS: Never.

15

MR. SOOKRAM:

Q. This conversation took place sometime
in June 1988?

(Interpreter translates question; witness
20 answers)

A. Yes, in Padova.

Q. The Olympics were run in September
1988?

(Interpreter translates question; witness
25 answers)

Q. At least Mr. Johnson's part?

A. Yes.

Q. Did you between June and September
1988, ever discuss this what you call an arrangement for a
quarter million dollars.

(Interpreter translates question; witness
answers)

A. I start to talk to you about that and
you --

Q. Did you discuss it with Mr. Johnson,
not me?

A. I start to talk to you a few minutes
ago that it was --

THE COMMISSIONER: At the airport?

THE WITNESS: -- they gave me
possibilities at that time where all the Canadian team
together with -- and separately, Mr. Johnson with Jamie
Astaphan came to the airport. And Jamie Astaphan told me
please sit with our car and we will talk, we will talk
about the contract. But at that time Ben was pretty busy,
he talked with the driver about girls. And I wanted to
talk with -- speak with him, and he told after, after.
And we didn't have chance to talk about the contract.

Q. In the car?

(Interpreter translates question; witness

answers)

A. Yes.

Q. You didn't get the chance to take in
the airplane?

5

(Interpreter translates question; witness
answers)

A. It was not in the airplane and not in
the airport. In the airport he was looking for a ticket
because he want to change his ticket. He was flying with
10 Mr. Astaphan, and he wants to change the ticket.

MR. SOOKRAM: All right. I wonder, sir,
if I may ask your indulgence and get from counsel the date
of the return from Padova.

THE COMMISSIONER: Do you recall, though --

15

MR. SOOKRAM: To safe time.

THE COMMISSIONER: -- Do you recall this --
the evidence that's led here is on the premise that Mr.
Francis will not be the coach any more.

MR. SOOKRAM: Yes.

20

THE COMMISSIONER: And they reconciled.
So, when Mr. Francis became the coach, apart from winning
or not winning the gold medal, the eventuality never went
ahead. Once they reconciled with Mr. Francis, then that
was the end of this arrangement.

25

MR. SOOKRAM: The reconciliation, with

respect, sir, took place in Toronto.

THE COMMISSIONER: Yes, in August.

MR. SOOKRAM: In August. So, the whole month of July to come --

5 THE COMMISSIONER: I understand. When did they return from -- I am sorry, I think Mr. Johnson I think went from -- is then when he -- he went to London?

MR. ARMSTRONG: He went to Padova to London for a few days for his cousin's wedding. And he then went
10 to St. Kitts and the evidence is not precise. He came back from St. Kitts to Toronto around the end of June. And at about the same time, the other Mazda athletes and Scarborough sprint group came back from wherever they were. I think they had finished up in Paris or some place
15 and roughly the end of June.

THE COMMISSIONER: Do you recall when you got back, Mr. Matuszewski, from Europe?

THE WITNESS: Yes, together with the Canadian, all the Canadian team.

20 THE COMMISSIONER: When was that, do you recall? The end of June?

(Interpreter translates question; witness answers.)

25 THE WITNESS: It was after -- it was in June, but what day --

THE COMMISSIONER: All right.

THE WITNESS: -- I don't have.

THE COMMISSIONER: Mr. Armstrong's
recollection is the end of June.

5

BY MR. SOOKRAM:

Q. We heard, sir, that sometime in August,
Mr. Francis and Mr. Johnson got back together again?

(Interpreter translates question; witness
answers.)

10

A. Yes.

Q. Yes. So, from June 9th, from Padova,
right on to August, a period of some two months, you
weren't able to raise this question of \$250,000.00 with
Mr. Johnson at all?

15

(Interpreter translates question; witness
answers)

A. We arrived to Toronto 1st of July, all
the team. And during the time I was in Europe with the
team, and after when we came back, Ben Johnson start to
work with our group. And I didn't talk with him about
that because when he came to the group, I didn't want to
talk with him about that. I wanted if you want to work
together with the group and I spoke about that with
Jamie -- with Charlie and Larry Heidelberg.

25

Q. You couldn't talk any more about it with Dr. Astaphan because he had gone back to St. Kitts?

(Interpreter translates question)

THE COMMISSIONER: Also because Ben Johnson has now rejoined the Francis group.

(Interpreter translates question)

MR. SOOKRAM:

Q. Yes?

A. Yes, yes.

Q. But you were still -- now that he has come back to Toronto, Mr. Johnson that is, he started training with the group again?

(Interpreter translates question; witness answers)

A. Yes.

Q. And you provided your expert services for him?

A. Immediately.

Q. Yes. But you didn't want to talk to him about it?

A. No, because when he was in the group, it was not important.

Q. No. A quarter million dollars seems to be important?

THE COMMISSIONER: As I understand it, Mr. Sookram, what is being said, whether it's true or not, is that this arrangement was on the premise that they were going to take over, in effect --

5 MR. SOOKRAM: I see.

THE COMMISSIONER: -- the management of Ben Johnson. If Francis is out and Astaphan and Matuszewski become the physician-coach-trainer team, and Heidebrecht will still be the manager, and they are going to carry on that way. And that's when the money came up. When they
10 got back and joined Mr. Francis, obviously, that's the end of the proposal.

THE WITNESS: Excuse me, sir, for your information --

15 MR. SOOKRAM:

Q. No, no, please don't volunteer any information, just answer the questions.

20 A. Okay.

MR. PRATT: Mr. Commissioner, there was a reference a few moments ago to the reconciliation being in August.

25 THE COMMISSIONER: It was earlier than that.

MR. PRATT: It was earlier.

THE COMMISSIONER: Yes. It was earlier, it was in July sometime.

MR. PRATT: It was immediately after the
5 return to Toronto.

THE COMMISSIONER: That's right. We heard from that -- Mr. Earl explained how they got to together. August comes in because that's the date of there documents. And July, of course, for the agreement.

10 MR. SOOKRAM: Thank you very much.

MR. ARMSTRONG: And just a moment, if I may, I think that in fairness to Mr. Matuszewski, English is not his native tongue, 'he's been helping us by testifying in English and he should be permitted say what
15 he wanted to say.

THE COMMISSIONER: Was there something you wanted to add from your diary.

THE WITNESS: Pardon me.

THE COMMISSIONER: Was there something you
20 wanted to add --

(Interpreter translates question; witness answers)

THE WITNESS: Yes.

THE COMMISSIONER: What is that?

25 THE WITNESS: That we came to Toronto 1st

of July.

THE COMMISSIONER: Right.

THE WITNESS: And Jamie Astaphan with Ben
they came again immediately after Padova, with my opinion,
5 to St. Kitts.

THE COMMISSIONER: Yes.

THE WITNESS: And I spoke with Charlie
Francis and with Larry about the situation. And I thought
that it would be the best when Ben will be together with
10 the group. And I talked about what Dr. Jamie Astaphan
offer me, how big money. They was -- Charlie was angry me
that I will be immediately a millionaire. And I told him,
I want to be a millionaire, I want if Ben will be again
with the group, and you are a coach you spent 13 years
15 working with the athlete, and it's not possible to ruin
your career after one second. It was my talking with
Charlie Francis and with Larry Heidelberg, that Larry
Heidelberg ask me what do you think if I will be a manager
any longer with Ben Johnson, when Jamie, Dr. Jamie
20 Astaphan will work with him. I thought, I don't know,
please, go and ask.

THE COMMISSIONER: Go ahead.

BY MR. SOOKRAM:

Q. How long after that conversation which
25

you say took in place with Dr. Astaphan, how long after that --

THE COMMISSIONER: With Mr. Francis, this conversation he is talking about with Mr. Francis --

5

BY MR. SOOKRAM:

Q. I want to know how soon after he reported the alleged conversation to Mr. Francis?

A. I report it immediately, that same day --

10

Q. The same day?

A. -- to Mr. Francis and Larry. They know immediately had the same day about ours conversation.

15

Q. So, Thursday, the 9th day of March, Mr. Francis gave testimony here. Were you following the proceedings.

(Interpreter translates question; witness answers)

20

A. No. No, I am not interesting what is here --

Q. I see.

A. -- I spent the time outside of the country.

25

Q. You see, when Mr. Francis was examined, he was cross-examined by Mr. Futerman, as to whether or

not he had any feeling that Dr. Astaphan was taking his place as a coach; Mr. Francis denied it flatly. You say you told him that Dr. Astaphan was trying to take over and Mr. Francis, under oath, told us that wasn't so?

5 A. Excuse me, sir.

THE INTERPRETER: Could you please put this in parts. I don't just want to loose the very meaning of what you want to say. It's very quite complicated.

10 MR. SOOKRAM:

Q. You told us today --

(Interpreter translates question)

Q. -- that immediately after you had this conversation with Dr. Astaphan where he offered you a quarter of a million dollars.

15

(Interpreter translates question)

Q. You went to Mr. Francis and told him about it?

(Interpreter translates question; witness answers)

20

A. Yes.

Q. And that Mr. Heidebrecht was there with Mr. Francis?

(Interpreter translates question; witness answers)

25

A. No, he was not in the same room --

Q. He wasn't there?

A. Yes.

Q. All right. And Mr. Francis told us

5 here --

(Interpreter translates question)

Q. -- last month --

(Interpreter translates question)

Q. -- that he did not have the feeling --

10 (Interpreter translates question)

Q. -- that Dr. Astaphan was trying to take
his place as a coach?

(Interpreter translates question)

THE COMMISSIONER: Was he asked --

15 MR. SOOKRAM: Mr. Futerman asked him.

THE COMMISSIONER: No, no, was he asked by
any counsel whether he knew about this so-called
arrangement, or he heard about it.

20 MR. SOOKRAM: Well, he would have said it,
sir, I presume.

THE COMMISSIONER: This time I am asking
the question. Was he asked?

25 MR. SOOKRAM: No, I don't think he was asked
that specific question, but the questions that preceeded
his answer led up to that.

THE COMMISSIONER: I see. All right.

MR. SOOKRAM: And Mr. Francis didn't know --

THE COMMISSIONER: We have Mr. Francis'

answer --

5

MR. SOOKRAM: We will have him back.

THE COMMISSIONER: -- and the witness said
he did tell him.

THE WITNESS: I didn't say that Dr. Astaphan
want to be Ben Johnson coach.

10

THE COMMISSIONER: The coach.

BY MR. SOOKRAM:

Q. I thought that was the impression you
gave us.

15

THE COMMISSIONER: No, no the impression
was that I think Mr. Matuszewski would be the coach. The
deal that was made --

20

THE WITNESS: Your expression was that I
will be the coach, but you never ask me if Dr. Astaphan
will be Ben Johnson coach.

THE COMMISSIONER: The proposal was that
Dr. Astaphan would now -- would still be the physician,
that Mr. Matuszewski would continue as the masseur, and
the coach.

25

THE WITNESS: Yes.

MR. SOOKRAM: I put that to him, sir.

THE COMMISSIONER: No, he never --

THE WITNESS: You never gave me the
question --

5 THE COMMISSIONER: I don't think he ever
said Dr. Astaphan would be the coach, I may be wrong, I
don't think so. It doesn't matter very much.

All right. Did you ask him whether the
proposal was Dr. Astaphan was the coach?

10 MR. SOOKRAM: At one stage, sir, I did ask
him whether or not he had experience as a coach.

THE COMMISSIONER: This gentlemen?

MR. SOOKRAM: Yes.

THE COMMISSIONER: That's right.

15 MR. SOOKRAM: And he said no. Now, he is
going to tell us --

(Interpreter translates question)

THE COMMISSIONER: Well, then we better
clarify.

20 MR. SOOKRAM: Yes.

THE COMMISSIONER: We will get it once and
for all.

(Interpreter translates question)

25 THE COMMISSIONER: Excuse me now. In the
proposal that you discussed, you say you discussed with

Dr. Astaphan.

(Interpreter translates question)

THE COMMISSIONER: In Padova, in Italy?

(Interpreter translates question)

5 THE COMMISSIONER: What was to be your role
and what was to be Dr. Astaphan's role?

(Interpreter translates question; witness
answers).

THE WITNESS: My role the same as before.

10 THE COMMISSIONER: Yes.

THE WITNESS: And Dr. Astaphan like
physician as before.

THE COMMISSIONER: Who is going to coach,
then?

15 (Interpreter translates question; witness
answers)

THE WITNESS: First he was thinking about
his self and I thought that --

THE COMMISSIONER: I see.

20 THE WITNESS: -- that is impossible, you
don't know anything. And he told me that --

THE COMMISSIONER: I am sorry, you did
suggest he was going to be the coach, Dr. Astaphan --

25 (Interpreter translates question; witness
answers)

THE WITNESS: Yes. And I told them that him that, that it is impossible.

THE COMMISSIONER: All right.

5 THE WITNESS: And suggestion that must be some else not who knew about the training.

THE COMMISSIONER: I am sorry, Mr. Sookram, that was the answer.

MR. SOOKRAM: Yes.

10 THE COMMISSIONER: It's difficult sometimes for me to understand the witness because I am having trouble following, it's not his fault, but his English isn't perfect. Thank you.

MR. SOOKRAM: I was coming right back to the point, sir, thank you very much.

15

MR. SOOKRAM:

Q. So, this proposal you told us you took straight to Mr. Francis?

20 (Interpreter translates question; witness answers)

Q. And now -- and I am telling you today, because you weren't following the proceedings, that Mr. Francis told us that --

(Interpreter translates question)

25 Q. -- he never had the feeling that Dr.

Astaphan was trying to take his place as a coach?

(Interpreter translates question; witness answers)

5 A. Because I never talk to Mr. Francis that Dr. Astaphan want to be a coach. I talked about the offer that he wants -- if I forgot about the Canadian group and start work with Ben Johnson.

10 MR. PRATT: Well, Mr. Commissioner, if I just might add , in fairness, I think it was clear at this point that Mr. Francis had vacataed the position of coach and if there is anything that turns upon whether he thought Dr. Astaphan was taking over or whether he had vacataed the position, you know, in fairness I think Mr. Francis' answers were in that context.

15 THE COMMISSIONER: We know at one time Mr. Francis was no longer the coach, at one time, but -- let's get on with it.

MR. FUTERMAN: In fairness, you know, I did ask that question to Mr. Francis as Mr. Sookram has suggested --

20

THE COMMISSIONER: We have the answer.

MR. FUTERMAN: And I think the answer was as Mr. Sookram suggested.

25 THE COMMISSIONER: All right. It depends on the date, though, because at one time he was not the

coach, as you know.

MR. FUTERMAN: He said at no time did Dr. Astaphan indicate that he was taking over or did he have the impression that Dr. Astaphan was taking over.

5 THE COMMISSIONER: I understand. All right. Mr. Sookram, next question, please.

(Interpreter translates)

MR. SOOKRAM: I wonder, sir, whether it would not be a suitable time to break now.

10 THE COMMISSIONER: Fine. At 2:30 now. Thank you.

--- Luncheon adjournment

15

20

25

THE COMMISSIONER: Yes, Mr. Armstrong, did you check the record?

MR. ARMSTRONG: Yes. In yesterday's transcript, Volume 39 at page 6850, the record shows:

5 "Q. And the \$250,000 after the Olympic games?

"A. Yes.

"Q. Was that only if he won the gold medal?

"A. Yes."

10 And it goes on as to what he would get if he didn't win the gold medal.

THE COMMISSIONER: I think that clarifies it. Thank you.

15 MR. SOOKRAM:

Q. Mr. Matuszewski, you may not be here when Dr. Astaphan testifies.

(Interpreter translates question.)

20 Q. But I will tell you what Dr. Astaphan's version is, and I would like to invite your comment.

(Interpreter translates question.)

THE COMMISSIONER: All you can say is what you expect it will be. None of us able to exactly --

MR. SOOKRAM: I thank you, sir.

25 (Interpreter translates.)

THE COMMISSIONER: Just put what your instructions are to him, please.

MR. SOOKRAM:

5 Q. Dr. Astaphan is expected to tell the Commission --

(Interpreter translates question.)

Q. -- that after the rift between Mr. Francis and Mr. Johnson --

10 (Interpreter translates question.)

Q. -- and when they came back to Padova, Mr. Johnson and Dr. Astaphan --

(Interpreter translates question.)

15 Q. -- it was you who approached Dr. Astaphan with a proposition for Mr. Johnson's training.

(Interpreter translates question.)

THE INTERPRETER: Could you say the last part of the sentence?

20 Q. It was you, Mr. Matuszewski, that made proposals for Mr. Johnson's future training?

(Interpreter translates question.)

THE COMMISSIONER: Well, ask him if that's true.

25 MR. SOOKRAM:

Q. Is it true?

(Interpreter translates question; witness answers.)

A. No.

5 Q. My instructions are that the negotiations on which you are prepared to comment was that you would be given the same money, the same \$100,000 you were offered in Italy, to coach in Italy, that you be offered the same money to take care of Mr. Johnson until
10 after the Olympics?

(Interpreter translates question.)

Q. Is that true?

(Interpreter translates question; witness answers.)

15 A. No.

Q. My instructions are that you asked Dr. Astaphan to approach Mr. Johnson with this proposal since Mr. Johnson was then without a coach?

(Interpreter translates question.)

20 THE INTERPRETER: To Mr. Johnson?

Q. He asked Dr. Astaphan to approach Mr. Johnson because Mr. Johnson did not have a coach.

(Interpreter translates question; witness answers.)

25 A. Yes, I told that, "If you give me a

contract and sign a contract, we'll talk about that."

Q. You asked Dr. Astaphan to talk to Mr. Johnson about it?

(Interpreter translates question; witness answers.)

A. Yes, about a contract, his contract.

Q. And did you ask Dr. Astaphan to get for you \$100,000 on the contract as the price?

(Interpreter translates question; witness answers.)

A. No, \$250,000.

Q. You asked for \$250,000?

A. Yes.

Q. And I put it to you, sir, that Dr. Astaphan told you to go and approach Mr. Johnson yourself?

(Interpreter translates question; witness answers.)

A. No, he told me that he will talk with -- he will arrange everything and he will talk with that and he will prepare the contract, and I told him, "Prepare the contract and when you have the contract, sign the contract, and we'll start talking about an agreement."

Q. So you didn't ask Dr. Astaphan to talk to Mr. Johnson about the quarter of a million dollars?

(Interpreter translates question; witness

answers.)

A. I told to Dr. Astaphan that he has because Dr. Astaphan offer me the money and I told that "You prepare the contract."

5 Q. We know your version. We know what you said before. Now, I am telling you what Dr. Astaphan, when he comes to give evidence, is likely to say, or more than likely to put into evidence.

(Interpreter translates question.)

10 Q. Dr. Astaphan in his evidence is likely to say that you asked him to go and talk to Mr. Johnson about the contract; is that right?

(Interpreter translates question; witness answers.)

15 A. I talked with Mr. Astaphan, again the same, that he promised that he will arrange the contract, not, not Mr. Johnson.

Q. Didn't Dr. Astaphan tell you to go and talk to Mr. Johnson yourself about the quarter million
20 dollars?

A. He arranged the time when we came to the airport with Mr. Johnson, a car what the Italians gave; Mr. Astaphan was sitting here, and it was a time to talk about that, but Mr. Johnson was not interested in that.
25 He talked with the driver about the girls, about the --

Q. We heard that, too.

THE COMMISSIONER: He's answering the question. You put it to him three times, though. Only once more if you like.

5 MR. SOOKRAM: He isn't answering.

THE COMMISSIONER: Yes, he did. He denied it.

MR. SOOKRAM: He's going around and around.

10 THE COMMISSIONER: He already answered three times.

MR. SOOKRAM: All he had to say is yes, sir.

MR. SOOKRAM:

15 Q. Did Dr. Astaphan tell you to ask Mr. Johnson yourself for the quarter million dollars?

A. No, he told that he would be that time and we would discuss together in the car.

20 THE COMMISSIONER: When they got in the car they did not discuss it because Mr. Johnson was not interested in discussing it at that time. That's what he said.

MR. SOOKRAM:

25 Q. Now, I put it to you, sir, that the only reason you didn't want to go to ask Mr. Johnson personally

about this money is because of your experience with Mr.
Pavone?

(Interpreter translates question.)

THE INTERPRETER: I can't see any relevance,
5 between those things.

Q. Yes. Mr. Pavone beat you up, didn't he,
when you asked him about money?

(Interpreter translates question; witness
answers.)

10 A. No, he never beat me.

Q. He hit you with a belt?

A. He slapped my face.

Q. With a belt?

THE COMMISSIONER: With a belt.

15 A. Yes.

Q. With a weightlifter's belt?

(Interpreter translates question; witness
answers.)

A. Yes.

20 Q. Across your face?

(Interpreter translates question; witness
answers.)

A. Yes.

Q. And kicked you?

25 (Interpreter translates question; witness

answers.)

A. No.

Q. And punched you?

(Interpreter translates question; witness

5 answers.)

A. No.

Q. And you went about Toronto looking for
lawyers to sue him, didn't you?

10 THE INTERPRETER: I'm sorry, could you
repeat that, please?

Q. You went around Toronto looking for
lawyers to sue Mr. Pavone, didn't you?

(Interpreter translates question; witness
answers.)

15 A. At that moment was Dr. Jamie Astaphan
with my room and he told me, "Please sue Pavone with that,
after that." And I told him okay. I was looking for a
lawyer and I was asking a few lawyers about that, what to
do with this, with this moment.

20 Q. So when you raised questions about
money, you were unwilling to raise questions -- I put it
to you that you weren't willing to raise questions about
money with Mr. Johnson simply because you were afraid?

(Interpreter translates question; witness
25 answers.)

A. No, I was never afraid, but it was not my job to talk directly. When I want to talk with him, I will ask a specialist like a financial specialist or the manager and I will talk through the manager.

5 Q. The fact is, sir, that it was you who made the suggestion --

THE COMMISSIONER: You've already put that to him. He's not agreed. Now, please, sir, you've covered that ground several times. You've put the
10 question to him clearly and he's denied it, so we'll have to wait to see what follows from that.

MR. SOOKRAM:

Q. Did you, sir, not hear directly or
15 indirectly from Mr. Francis, from Dr. Astaphan and from Mr. Heidebrecht that the athletes were unhappy with you?

(Interpreter translates question; witness answers.)

A. No.

20 Q. There is more than likely to be evidence of the fact that, or an allegation that several athletes had spoken to Dr. Astaphan about your persistent demands for money?

(Interpreter translates question.)

25 THE COMMISSIONER: Mr. Sookram, you covered

that this morning.

MR. SOOKRAM: I want to ask if Dr. Astaphan actually told him that.

(Interpreter translates question.)

5 THE COMMISSIONER: I think you put that -- you put that -- you know, I've given you a great deal of leeway, probably too much.

MR. SOOKRAM: I appreciate that.

10 THE COMMISSIONER: Would you please wind up your examination, please.

MR. SOOKRAM:

Q. Now, Mr. Pavone, you had spent a lot of time -- sorry.

15 THE COMMISSIONER: All right. We've got everybody excited. Do you want to start over again?

MR. SOOKRAM: Yes, if that effort might be efficacious.

20 MR. SOOKRAM:

Q. Mr. Matuszewski, if the athletes after the Olympics had told you they didn't want you to work with them anymore, wouldn't that have made you bitter?

25 THE COMMISSIONER: Would that be what? I'm sorry, I didn't hear.

MR. SOOKRAM: Wouldn't that have made him bitter?

THE COMMISSIONER: Would have made who bitter?

5 MR. SOOKRAM: Mr. --

THE COMMISSIONER: Well, he says they didn't ask him. If they did say, it might--

Did they ask you?

10 MR. SOOKRAM:

Q. Did the athletes ever tell you --

THE COMMISSIONER: We've heard a few athletes say that the difficulty was that in their opinion Mr. Matuszewski gave most of his time to what may be
15 called the top performers in the Mazda Club and didn't have enough time for them. We heard that.

MR. SOOKRAM: Yes, we heard that. And we also heard evidence that some athletes were unhappy because Mr. Matuszewski was pestering them for small
20 amounts of money.

(Interpreter translates question.)

THE COMMISSIONER: I don't recall hearing that, but -- anyway, we've covered that. Now, please.

25 MR. SOOKRAM:

Q. Did anybody ever tell you, did any of the athletes tell you that after the Olympics they would no longer require your services?

(Interpreter translates question; witness answers.)

A. No.

Q. Didn't Dr. Astaphan himself tell you that the athletes have told him that they would no longer require your services after the Olympics?

(Interpreter translates question; witness answers.)

A. No.

Q. Now, I turn to the period immediately after the world record was broken, the 100-metre record.

(Interpreter translates question.)

THE COMMISSIONER: Was this in Rome in '87?

MR. SOOKRAM: It is -- not Rome, Seoul.

THE COMMISSIONER: You're talking about the Olympics?

MR. SOOKRAM: Yes.

(Interpreter translates.)

MR. SOOKRAM:

Q. After the race, the athletes had to go into the testing room?

A. Yes.

Q. An athlete is obliged to be accompanied by an official.

(Interpreter translates question; witness answers.)

A. Yes.

Q. From his country?

(Interpreter translates question; witness answers.)

A. Yes.

Q. Were you that accredited official?

(Interpreter translates question; witness answers.)

A. Yes.

Q. Who gave you the accreditation?

(Interpreter translates question.)

MR. ARMSTRONG: Well, I don't think that's right. I think the athlete is obliged to be accompanied by a representative of the track meet or the officials that are running the track meet. In this case an Olympic official is obliged to pick up the athlete at the finish line, and then the athlete, if he so desires, is entitled to have somebody accompany him --

THE COMMISSIONER: That's right.

MR. ARMSTRONG: -- to the doping control

room, and I think that's what Mr. Matuszewski was, he was the one individual --

THE COMMISSIONER: We went through that. Dr. Pipe explained that whole procedure. That's the procedure.

MR. SOOKRAM: We don't have that information before us as to who asked Mr. Matuszewski to go in there.

THE COMMISSIONER: Well, you can ask him that.

MR. SOOKRAM: Precisely. That was my line. I did ask him.

THE COMMISSIONER: Just ask him.

MR. SOOKRAM:

Q. Who asked you to go with Mr. Johnson into the examining, into the post-race room?

(Interpreter translates question; witness answers.)

A. Diane Clement and Charlie Francis because Charlie Francis called me there where after Ben finished --

THE COMMISSIONER: Diane Clement was with the -- Mr. Armstrong, Diane Clement was with the C.O.A.?

MR. ARMSTRONG: She was -- Diane Clement was one of the two team leaders of the Canadian Track and

Field Team.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: And she initially
accompanied the athlete.

5 THE COMMISSIONER: I see.

MR. ARMSTRONG: And then Mr. Matuszewski
came along.

MR. SOOKRAM: We were not privy to that
information.

10 THE COMMISSIONER: I don't understand that.

MR. ARMSTRONG: Well, I can provide that
information, but nothing really turns on it.

MR. SOOKRAM: It's a question of opinion
whether anything turns on it.

15 THE COMMISSIONER: Come on now, Mr. Sookram,
let's get on with your questions.

MR. SOOKRAM:

Q. You told us just now that Mr. Francis --

20 THE COMMISSIONER: And Diane Clement.

Q. -- and Diane Clement told you to go with
Mr. Francis?

(Interpreter translates question; witness
answers.)

25 THE COMMISSIONER: You were called and asked

to accompany Mr. Johnson?

A. Yes.

THE COMMISSIONER: Who asked you to accompany him?

5 A. Because after the race, Mr. Johnson, Mr. Francis, Diane Clement, they were at the finish line, and the place was only for the reporters and for the medias, and I wanted to congratulate, as usual, Mr. Francis and Ben Johnson. I was very happy, and I was out of the place
10 and Charlie called me that I'm the person who is together with the Canadian team and who is, was working with Ben Johnson and I'm the person who went to congratulate Ben Johnson and to congratulate Charlie Francis, the coach.

Q. I wasn't talking about congratulating.

15 (Interpreter translates question.)

Q. You were standing by your --

A. Yes, and after they called me and I was together with Charlie Francis, Ben Johnson and Diane Clement, and we go, we went together to the medias. And
20 after somebody told that first must be doping control room and after the medias, and we were following together plus Ben Johnson personal -- (speaking Polish)

THE INTERPRETER: The person who took care of Ben Johnson.

25 A. The person who took care of Ben Johnson.

And at that moment Diane Clement told me, "Please come together to doping room and Charlie go to doping room," and Diane Clement gave me a pass to go to doping room.

5 Q. You didn't know before that that you were the person who was going to be selected to go with Mr. Johnson?

A. No.

(Interpreter translates question; witness answers.)

10 A. No.

Q. And you stand by your testimony today that both Mr. Francis and Miss Clement told you to accompany Mr. Johnson to the doping control room?

15 (Interpreter translates question; witness answers.)

A. Yes, because Dr. Lubba was at that moment not in this place.

Q. Dr. Lubba?

20 A. Yes. Dr. Lubba is, was the official Canadian team doctor.

Q. Mr. Matuszewski, did you, from the time you left with Mr. Johnson from the track into the doping control room, did you offer anything to Mr. Johnson to drink?

25 A. No.

Q. Did you see anybody else offer anything to Mr. Johnson to drink?

A. No.

MR. SOOKRAM: I have no further questions.
5 Thank you, Mr. Matuszewski.

THE COMMISSIONER: Any re-examination? If you have any questions, I trust they'll be short and direct?

MR. CZUMA: They will be short.

10 MR. CZUMA:

Q. Mr. Matuszewski, just to go back, there was some discussion about expense money that you may have received for some meets in Europe. Could you clarify
15 that?

(Interpreter translates question; witness answers.)

A. Yes, after the private meets, Larry or Charlie Francis, they give me money for my expenses in the
20 hotels.

Q. Do you recall how much you got and during what period of time?

(Interpreter translates question; witness answers.)

25 A. In 1988, they pay me, and it was around,

around two and a half, maximum, \$3,000.

Q. And how was that broken down?

(Interpreter translates question; witness answers.)

5 A. They gave me the money after the meets, before when we -- (Speaking Polish.)

THE INTERPRETER: Before we had to pay our bills.

A. Bills in the hotels.

10 Q. And how many meets did that cover?

(Interpreter translates question; witness answers.)

15 A. It was the winter, winter meets and in the summer meets during the Olympic Games. It was around fifteen meets.

Q. Just to clarify one item, after you broke off with Mr. Pavone, did Dr. Astaphan continue to work with Mr. Pavone, as far as you know?

20 (Interpreter translates question; witness answers.)

A. Yes.

Q. You've been asked questions by Mr. Sookram here today. Before you came today and yesterday, had you seen Mr. Sookram before?

25 (Interpreter translates question; witness

answers.)

A. Yes.

Q. Could you tell us when that was?

(Interpreter translates question; witness

5 answers.)

A. It was in Mr. Sookram's office, together with Dr. Jamie Astaphan when Mr. Sookram offered to Jamie Astaphan and to me a room with his, where is his office, on the same floor.

10 Q. Do you recall when that was, approximately?

A. It was in '88, 1988, around --

THE COMMISSIONER: How is this relevant now?

MR. CZUMA: It's relevant in this, your
15 Honour, that Mr. Sookram has been making a great deal of my client's financial interests in Mr. Johnson and the team. I am trying to elicit evidence that not only may Mr. Sookram be in a position of conflict, but at some point Mr. Sookram was making, attempting to make a deal
20 with Mr. Matuszewski and with Dr. Astaphan to take financial interest in a clinic of some kind.

THE COMMISSIONER: I'm not interested in that, please, but carry on with something else.

MR. CZUMA: That's the last series of
25 questions I wish to ask.

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: I just have a couple of questions. It's not strictly re-examination, but it is something that I had overlooked yesterday that I think for the purposes of completion of the record should be dealt with, if I may.

MR. ARMSTRONG:

Q. Mr. Matuszewski, going back, if I may, to September 24th, 1988, after the 100-metre final when you were in the doping control room, are you with me?

A. Yes.

(Interpreter translates question; witness answers.)

A. Yes.

Q. Okay. Now, I expect that ultimately we will hear evidence that the official in charge of the doping control room was a Dr. Arnie Ljungqvist, a Swedish doctor.

(Interpreter translates question; witness answers.)

A. Yes.

Q. And when you were in the doping control room on Saturday, September 24th, after the 100-metres

final, did you see Dr. Ljungqvist in the doping control room?

A. Yes.

Q. Did he have a camera with him at that time?

A. Yes.

Q. And did you observe him take any photographs?

A. Yes.

Q. And in particular what photographs did he take that you recall?

(Interpreter translates question; witness answers.)

A. With Ben Johnson and at that time I was working with Ben Johnson with his bursitis, and he took a pictures, one or maybe two.

Q. All right. So that would be at the time that Ben Johnson was lying on the Chesterfield or whatever it was that you were working on his heel?

A. Yes, yes.

Q. And did you ask Dr. Ljungqvist if he would send you a copy of one or more of the photographs which he took?

A. Yes.

Q. And just tell us about that, please.

A. When I work with Mr. Johnson with his bursitis, he lay down and Mr. -- and this professor was, he was sitting close to me, and it was after the picture, and it was between us a conversation and I asked him, I will give him my address and please send me the picture because it's a historical picture.

Q. And did you give him your business card or your address?

A. Yes, and he gave me his business card and his address.

Q. All right. I'll come to that in a moment. I wanted to ask you about one other individual in the doping control room. Did you also meet in the doping control room a person from East Germany, a Dr. Manfred Hoppner, H-O-P-P-N-E-R?

A. Yes.

Q. And tell us about that, please?

A. The doctor, he makes also few pictures in Ben Johnson's room. And -- excuse me.

Q. Say it in Polish.

THE INTERPRETER: He kept coming in and leaving the room.

Q. All right. But did he have -- he kept coming in and leaving the room, but did he take some pictures of you and Ben Johnson?

A. Yes, and I ask him also about the picture and he gave me his business card.

Q. Did you also give him your address?

A. Yes.

5 Q. All right. Now, was it he that took the photograph -- I'm sorry, you've told me it was he who took the photograph. Did he use his camera or did he have a camera, this Dr. Hoppner?

(Interpreter translates question; witness
10 answers.)

A. He makes a few pictures, first time with his, and after, the stranger man, he asked him about making a picture and he gave his camera to him.

15 Q. Just so we have that clear then, what you're telling us is that this Manfred Hoppner had his own camera, took some pictures, then the stranger who was in the doping control room gave Hoppner his camera --

A. Yes.

Q. And asked him to take some pictures?

20 A. Yes.

Q. And were some pictures taken by Hoppner with the stranger's camera?

A. Yes.

25 Q. And the pictures that Hoppner took with his own camera, who were they of?

(Interpreter translates question.)

THE INTERPRETER: If I understand, you are asking about with whose camera Mr. Hoppner made the pictures?

5 Q. No, what pictures did Mr. or Dr. Hoppner take with his own camera?

(Interpreter translates question; witness answers.)

A. Ben Johnson.

10 Q. And were you in the picture, too?

A. I don't know. He never sent me the picture.

Q. All right. And then you told me in regard to Dr. Ljungqvist that when he took the pictures with his camera, it was you and Ben Johnson. Do you know if the stranger was in that photograph?

15 A. I don't know.

Q. And in regard to the pictures taken by Dr. Hoppner with his camera, do you know if the stranger was in that photograph? Do you want to do that in Polish, please?

20 (Interpreter translates question.)

THE COMMISSIONER: He's never seen the pictures.

25 A. I don't know because --

THE COMMISSIONER: He never saw -- you didn't get the pictures, did you?

5 A. No, no. I was sitting with Ben and drinking the treatment because it was very painful. His bursitis was very painful and he asked me about a treatment.

MR. ARMSTRONG:

10 Q. Do you know who was being taken in the pictures that were being taken by Dr. Hoppner with the stranger's camera?

(Interpreter translates question; witness answers.)

15 A. Yes, Ben Johnson, the stranger and probably, probably, I would be there.

20 Q. All right. Then, you've got some business cards there. First of all, have you got a business card of Dr. Ljungqvist?

25

25

A. Yes.

Q. And on the back of that business card of Dr. Ljungqvist there is some writing. Is that your writing?

5 A. Yes.

Q. Can you tell us what it says because the photocopy that I have taken from your card is illegible.

10 A. He make the pictures with the doping room. He was very nice. I talk with him, I make --

THE INTERPRETER: Can I help? Excuse me, Mr. Commissioner?

THE COMMISSIONER: Yes.

15 THE WITNESS: I make the treatment for Ben --

THE COMMISSIONER: I think the witness -- the Interpreter can do that right away.

THE WITNESS: -- and I gave him my business card.

20 THE COMMISSIONER: Excuse me, let the Interpreter do it right away.

THE INTERPRETER: Thank you very much, Mr. Commissioner. He was making pictures in the doping room, very nice, I talk to him during a treatment to Ben. I
25 gave him my card, and he promised me to send the pictures.

THE COMMISSIONER: Thank you.

THE INTERPRETER: Thank you.

MR. ARMSTRONG:

5 Q. That's the Ljungqvist card, is it?

A. Yes.

Q. Now, what about you got a card also
from Dr. Manfred Hoppner. And you have written something
on the back of that card.

10 THE COMMISSIONER: Do you have that, Mr.
Interpreter.

THE INTERPRETER: Mr. Commissioner, I am
sorry, it's not legible because it's just the copy is bad.

THE COMMISSIONER: All right.

15 THE INTERPRETER: Thank you. From the
doping control -- from the doping control, he make
picture, he took pictures from GDR, which stands for
German Democratic Republic.

THE COMMISSIONER: Right.

20 THE INTERPRETER: I met him, I take it, Mr.
Commissioner, in GDR, and in the brackets is put Berlin.

THE COMMISSIONER: Yes.

25 MR. ARMSTRONG: All right. Then I have
photocopies of those two cards and the backs. Can we have

them marked as the next exhibit.

THE COMMISSIONER: All right. Fine.

THE REGISTRAR: Are you marking them
separately or together?

5 MR. ARMSTRONG: They are on the same page,
so they are together.

THE REGISTRAR: 140.

THE COMMISSIONER: Are these the two cards?
One exhibit for the two cards, Mr. Armstrong?

10 MR. ARMSTRONG: Yes, please, if I may.

--- EXHIBIT NO. 140: Photocopy of two business cards and
backs.

15 MR. ARMSTRONG: Then I should tell you, sir,
that I contacted Dr. Ljungqvist and asked him if he took
any pictures. He told me that he had, told me that they
were slides, and told me that he would get prints made
from the slides and send me what he had.

20 And then I received a letter from him, dated
February the 6th, 1989, which reads:

"Dear Sir:

25 With reference to our telephone conversation
last week I regret to inform you that I will
not be able to help you as I had hoped. I

5 knew that some portions of my films from
Seoul did unfortunately not come out, all
probably due to malfunction of my camera. I
believed, however, that I had saved one,
although bad color slide which I think I
mentioned in the telephone. This slide, to
my memory, showed Mr. Johnson together with
Mrs. Clement and his physiotherapist as they
arrived to (or left, I do not which) the
10 doping station, but I found now that I have
not retained the slide since it was so
heavily underexposed."

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: I don't have any

15 information from Dr. Hoppner, I apologize. When I got the
initial information, I was under the impression that
whatever photographs Dr. Hoppner had taken had been taken
with the stranger's camera. And, of course, we have never
identified the stranger, and I don't know who the stranger
20 is.

THE COMMISSIONER: All right.

MR. ARMSTRONG: Those are all the questions
I have.

THE COMMISSIONER: All right. Thank you
25 very much, Mr. Matuszewski.

THE WITNESS: Thank you.

THE COMMISSIONER: Thank you, gentlemen.
The next witness, do you want to take five minutes to get
organized.

5 MR. ARMSTRONG: Mr. McKoy, is the next
witness, he is outside.

THE COMMISSIONER: All right, start now, or
do you want to take five minutes, or are you ready to go.

MR. ARMSTRONG: No, I am ready to go.

10 THE COMMISSIONER: Okay, let's go.

MR. ARMSTRONG: If the Registrar can just
get Mr. McKoy, we can start right away.

THE COMMISSIONER: Thank you, Mr.
Matuszewski.

15 THE WITNESS: Thank you.

MR. SOSNOWSKI: Thank you, Mr.
Commissioner.

MR. ARMSTRONG: Yes.

THE INTERPRETER: Thank you very much, Mr.
20 Commissioner.

THE COMMISSIONER: Thank you for your help,
Mr. Interpreter.

MARK ANTHONY MCKOY: Sworn

THE COMMISSIONER: Mr. Armstrong.

--- EXAMINATION BY MR. ARMSTRONG:

Q. Thank you. Mr. McKoy, first of all, as
I have done firstly with all of the other witnesses, I am
5 going to ask you some questions about your background. I
understand you were born on December 10, 1961 in
Georgetown, Guiana?

A. That's correct.

Q. And at the very young age of nine
10 months you moved to London, England, where you lived for
12 years?

A. That's right.

Q. Then I understand you came to Canada in
1974; is that correct?

15 A. Uhuh-huh.

Q. You came with your parents?

A. Yes.

Q. And you have, apart from times that you
were in the school in the United States, lived in
20 Metropolitan Toronto since 1974?

A. That's correct.

Q. You attended high school at Senator
O'Connor High School, Vanier High School, and Stephen
Leacock High School; am I right?

25 A. That's right, yes.

Q. After graduating from high school, you attended first of all Clemson University in South Carolina during the calendar year 1980?

A. That's right, yes.

Q. Or, no, sorry maybe it was --

A. 1980.

Q. -- calendar year 1980.

THE COMMISSIONER: Just the one year at Clemson?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Yes. The evidence is so far that you went in January and stayed until --

A. Until December

Q. -- until December?

A. Right.

Q. Then, Mr. McKoy, I understand when you came back to Toronto in January of 1981, you then studied at York University for three years?

A. That's correct, yes.

Q. What did you study at Clemson, first of all, general arts, was it?

A. I was engineering actually.

Q. Sorry?

A. Engineering.

Q. Engineering. What about York University, what did you study there?

A. Phys. ed, you could say.

5 Q. All right. And then for a period of time --

THE COMMISSIONER: How many years at York?

MR. ARMSTRONG:

10 Q. Three years; am I right?

A. Three years, yes.

Q. Then for a period of time after York, you attended university at Louisiana State University?

A. That's right.

15 Q. How long were you there?

A. Two-and-a-half years.

Q. What did you study at Louisiana State?

A. School; I just took courses, I was just there for training.

20 Q. All right. Then looking at your track career for a few moments, you started as a young boy in England running in school, and that continued when you came to Toronto, particularly in the hurdles and 100 meters initially, and also the high jump?

25 A. That's right, yes.

Q. And like many of the witnesses who have testified so far, you joined the Scarborough Optimist Track and Field Club in 1977-'78, thereabouts?

A. Somewhere in there, yes.

5 Q. And by that time, I take it, except for the odd time that you ran in the relays, your main event was the hurdles?

A. That's right.

10 Q. And also it would appear from some of the evidence that has gone before your arrival here, occasionally you would run in the 100 meters?

A. When I was stupid enough to, yes.

15 Q. All right. And when you joined the Scarborough Optimist Track and Field Club, initially your coach was Peter Cross?

A. That's right, yes.

Q. And then he went to Clemson, we know, in about 1978, I think the fall of 1978, and at that time I believe you were coached by Charlie Francis?

20 A. Yes, that's right.

Q. All right. Then as we have heard, you went to Clemson in 1980, and like Tony Sharpe who went with you at that time, you went on a full track and field scholarship?

25 A. Uhuh-huh.

Q. And I assume you recall that there were other Mazda or other Scarborough track and field athletes there such as Desai Williams and others?

A. Yes.

5 Q. Then when you returned from Clemson in the fall of -- or in December of 1980, did you continue your track and field training with the Scarborough Optimist Track and Field Group?

A. Yes, I did.

10 Q. Who was your coach at that time?

A. Charlie.

Q. That's Charlie Francis, obviously?

A. Charlie Francis, yes.

THE COMMISSIONER: It's not me.

15 MR. ARMSTRONG: Sorry?

THE COMMISSIONER: It wasn't me.

THE WITNESS: Well, I wasn't going to bring that up.

20 MR. ARMSTRONG: Well, when this is all over you may need work.

THE WITNESS: I may need a coach, too.

MR. ARMSTRONG:

25 Q. So, in any event, Mr. McKoy, for what period of time then after January of 1981 did Charlie

Francis coach you?

A. He coached me until the fall of -- or just after the summer of 1981.

Q. All right. And then did you leave
5 Charlie Francis at that time?

A. Yes, I did.

Q. Did somebody else become your coach?

A. Yes, they did.

Q. Who was that?

10 A. John Miller, he was --

Q. John Miller?

A. He was the head coach at York
University.

Q. All right. And for what period of
15 time then was he your coach?

A. Actually, there was -- actually, I went to train with John Mumford first.

Q. Yes.

A. Who was Angela Bailey's coach at that
20 time.

Q. Yes.

THE COMMISSIONER: Where was Mumford, at
York, too, or was he --

THE WITNESS: He was the University of
25 Toronto coach.

THE COMMISSIONER: I see.

THE WITNESS: But I still competed with Scarborough, I just trained with him because we were good friends.

5 THE COMMISSIONER: I see.

MR. ARMSTRONG: And for what --

THE COMMISSIONER: You went from Francis to Mumford --

10 THE WITNESS: To Mumford, and then after I guess training with John for the winter.

THE COMMISSIONER: Right.

THE WITNESS: I went to John in the spring of 1982.

15 MR. ARMSTRONG:

Q. John Miller. You went from John Mumford to John Miller?

A. Yes.

THE COMMISSIONER: John Miller is at York?

20 THE WITNESS: John Miller is at York, yes.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

25 Q. How long were you associated with Miller, then?

A. I believe it was about a year or so before he -- he went to coach in the States.

Q. Then what happened to you so far as your coaching is concerned?

5 A. I just took it on my own from then on.

Q. All right. And then --

THE COMMISSIONER: Weren't you with Desai Williams?

10 THE WITNESS: Yes, we used to work together and work out our own programs, but as a coach per se, we never had one.

MR. ARMSTRONG:

15 Q. We know from the evidence that you returned to Charlie Francis, together with Desai Williams and Molly Killingbeck, and became part of the Mazda Optimist Track and Field Group in the fall of 1987 or thereabouts?

A. That's right.

20 Q. All right. What was the reason for leaving Charlie Francis in the fall of 1981?

A. Because he was an idiot.

THE COMMISSIONER: Pardon?

THE WITNESS: Because he's an idiot.

25

MR. ARMSTRONG:

Q. I am sorry, because?

A. Because he is an idiot.

Q. Because he is an idiot?

5 A. Well, at that point he was, yes.

Q. Well, I take it by that using somewhat more tempered language, you and he didn't see eye to eye on the training, is that it?

10 A. He was a little too intense in track and field at that time. He didn't have anything else that, you know, would occupy his time. Everything was track and field. And it wasn't that way for us, like we had other things going on. And he would phone us up and if we missed practice, you know, he would tell us how he
15 would cut off our carding money and things of that nature.

So, I said I didn't need a second father, I had one already. So, I left.

Q. All right. In any event then, Mr. McKoy, let's take a moment as again I have done with
20 others of your track and field --

THE COMMISSIONER: How old were you then? You were about 18, 19 was it, when you were, in 1980, you are 28 now, are you?

THE WITNESS: I am 27 now.

25 THE COMMISSIONER: Twenty-seven.

THE WITNESS: In 1980, I was 19 when I went to Clemson. I was about 20, 21 when I left Charlie.

THE COMMISSIONER: All right. Thank you.

5

MR. ARMSTRONG:

10

Q. Then, Mr. McKoy, I want to ask you a little bit about your competitive career. So far as high school is concerned, I take it like others from time to time, although you were associated with the Scarborough Track and Field Club, when your high school would have a meet, you would compete for your high school?

A. That's right.

15

Q. And I take it so far as the event in which you were proficient, the hurdles, you were consistently a first-place finisher at the high school level, were you?

A. Most of the time.

20

Q. And then at Clemson University in South Carolina, you won the Conference Championship for the conference in which Clemson was associated?

A. That's right.

Q. For the hurdles?

A. Uhuh-huh.

25

Q. What about York University, did you, a part from the meets in which you were involved with

Scarborough, when you were at York university, did you compete for York?

A. Yes, I did.

Q. And were you from time to time then the Canadian intercollegiate hurdles champion?

A. Yes, I was.

Q. All right. And again, I assume I am not going too far by saying that consistently during the period you ran for York, you were the intercollegiate champion in the hurdles; am I right?

A. That's right.

Q. Then, in 1980, you were selected to the Canadian Olympic team, but as we know, Canada did not go to the Moscow Olympics in 1980. And, however, you participated in the Olympic alternative meets as part of the Canadian team in both West Germany and Philadelphia?

A. That's right.

Q. In the hurdles?

A. Uhuh-huh.

Q. Then in 1981, you, as again you were almost on a regular basis, first in the national championships in Canada in 1981?

A. I think so.

Q. And then in 1982, you were again at the nationals first in the 110 meter hurdles and set for the

first time, for you at least, the Canadian record at 13.76 seconds?

A. That's right.

Q. Then in 1982, you as well were part of the Canadian team at the Commonwealth Games in Brisbane, Australia, and you won the gold medal in the 110-meter hurdles?

A. That's right.

Q. Then also in the Commonwealth Games, you were a member of the 4 X 100 relay team for Canada which got the bronze medal?

A. Silver medal.

Q. Sorry, silver medal, right. Then moving along to 1983, starting early in the indoor season in the 50-yard hurdles, you set a Canadian indoor record; in the 50-meter hurdles you set a Canadian indoor record.

THE COMMISSIONER: What year is this now, Mr. Armstrong?

MR. ARMSTRONG: 1983.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. And then again in the national outdoor championships you were first. And in 1983, in Helsinki, you were part of the Canadian team, again competing in the

hurdles, am I right?

A. That's right, yes.

Q. And also in 1983, you were part of the Canadian team competing at Caracas in the Pan-American Games, and again as a 110-meter hurdler, am I correct?

A. That's correct.

Q. Moving along to the couple of the highlights, in 1984, again first place in the 110-meter hurdles at the Canadian nationals. And I note that you were pursaudded by somebody that year to run the 200 meters at the nationals and you at least were a finalist?

A. I believe so.

Q. All right. And then you were a member of Canada's Olympic team in Los Angeles in 1984 and finished fourth in the finals in the 110-meter hurdles; is that correct?

A. That's right.

Q. I could go on but again '84 looks like a vintage year for Mark McKoy. You compete in a number of events in Europe, finishing consistently during the European tour in either first, second, or third place in the 110-meter hurdles; is that correct?

A. I will take your word for it, I can't remember.

Q. All right. Then moving along to 1985,

you set a Canadian indoor record in the 60 meters at a meet in Japan. And subsequently, again, in the indoor season, you set records in the 60-yard hurdles, 50-yard hurdles, 60-yard hurdles again, and 50-meter hurdles. It
5 seems almost every time you entered that winter, you set a new -- either you broke and set a new Canadian record. Is that your recollection?

A. Again, I will take your word for it, because I don't recall exactly.

10 THE COMMISSIONER: You wouldn't want to dispute that anyway.

THE WITNESS: I will take it, I could live with that.

15 MR. ARMSTRONG:

Q. All right. Then Mr. McKoy, looking at the outdoor season in 1985, on the European tour, I can count up quickly nine first-place finishes at various meets in Europe. And again, I take it you will accept my
20 word for it that --

A. Only 9.

Q. -- you appeared to have a pretty good summer in 1985?

A. It was very good, yes.

25 Q. And moving along to 1986, you were

persuaded that year to enter the 100 meters at the nationals outdoor championships where you finished in third place or tied for third place running at 10.39. Do you recall that?

5 A. Yes, I do.

Q. And then, of course, as usual you came first in the 110-meter hurdles. You were at the Commonwealth Games in Edinburgh where again you took the gold medal in the 110-meter hurdles and you were part of Canada's gold medal winning team in the 4 X 100 meter relay at Edinburgh in the Commonwealth Games; is that correct?

10

A. That's correct.

Q. Then moving along to 1987, you again distinguished yourself at various European meets including a first place finish at Athens, first place finish at a number of other meets that year including, of course, as usual winning the national championship in Canada.

15

And would you, just for the record, agree with me that again what I have given you is a fair representation of your record in 1987?

20

A. It seems fair enough.

Q. Then in 1988, the highlights appear to be your usual tour through the indoor circuit. Then the tour through Spain and Italy in the spring of 1988 where

25

again there were a number of first place finishes.

At the national championship in August of 1988, in Ottawa, you finished first again in the 110-meter hurdles; is that correct?

5 A. That's correct.

Q. And then at the Olympic Games in Seoul, you were a finalist finishing seventh in the 110-meter hurdles?

A. That's correct.

10 Q. And just summarizing what I have gone through and what I hope is not a tedious fashion with a record like this, but we have gone through it rather quickly, you have been consistently among the top five hurdlers in the world from 1982 right through 1988. Is
15 that correct?

A. That's correct.

Q. And indeed from 1987, you were ranked third in the world in the hurdles?

A. I believe so.

20 Q. Yes. And indeed going in to Seoul in the Olympics in 1988, among the finalists, your ranking put you in third place among those who were in the finals in Seoul, am I right?

A. That's correct.

25 Q. All right. Then just one or two other

things just to round out your athletic career. I note on the printout that I have that you finished third at the International Superstars Competition in Hong Kong in November 1982. And I take it that's one of those events
5 that we sometimes see on television where athletes from various sports participate in other sports?

A. That's right, yes.

Q. All right. And then you received the recipient of the Sport Excellence Award on two occasions, 1983 and 1987 at something called the Tribute to Champions
10 or to the champions. What is that, do you know?

A. I don't recall, no.

Q. All right.

A. There's been so many banquets, we can't
15 remember.

Q. Sorry?

A. There's been so many banquets, you can't remember what they are for.

Q. Well, I could go through the list, there are others there, but I think that gives the Commissioner and others who are interested an idea of your athletic career.
20

Mr. McKoy, I wanted to ask you some other questions, particularly starting in the period 1978-1980
25 when you were in Clemson.

I am sorry, you weren't in Clemson --

THE COMMISSIONER: 1980.

MR. ARMSTRONG:

5 Q. -- in 1978 to 1980. You were there in
1980. What I intended to put to you was this there has
been some evidence that during that period '78 to '80, now
agreeing you were only there in the 1980 part of it, there
has been some evidence that there were steroids, in
10 particular probably Dianabol, available to some of the
track and field athletes at Clemson. And were you, during
the time you were at Clemson in 1980, involved in any
steroid use?

A. No.

15 Q. And were you aware of Dianabol or any
other kind of steroid being available during the year that
you were at Clemson?

A. I don't believe so, no.

20 Q. Then I wanted to ask you a question
about the World Cup finals in Venezuela in 1981. There
was some evidence from Angella Issajenko in which she
testified that while at the World Cup trials in Venezuela
that she happened to be in your hotel room and she saw a
bottle of testosterone which she described as proprionate
25 in your travelling bag or shaving kit or something. And

first of all, let me just ask you this, do you recall being in Venezuela for the World Cup finals in 1981?

A. For the World Cup trials, yes.

Q. And did you have some testosterone in your possession or among your baggage?

A. Not that I recall, no.

Q. Let's see if you can refresh your memory just a little further. She said you told her that you were not using this testosterone, and she said she then suggested since you weren't using it that you sell it to Bishop Dolegiewicz. Do you recall any conversation like that?

A. No, I don't.

Q. All right. Then I want to move you right along to 1987 and the time that you returned to Charlie Francis to have him be your coach. I take it, first of all, that you must have changed your mind --

THE COMMISSIONER: Going back a bit to the question, did you ever here of the name Bishop Dolegiewicz before?

THE WITNESS: Oh, yes, I know Bishop.

THE COMMISSIONER: And you don't recall -- she was very specific about this, suggesting that his name came up in the conversation, you don't remember that?

THE WITNESS: Not at all.

THE COMMISSIONER: But you were there at that time?

THE WITNESS: Yes, I was there.

THE COMMISSIONER: And when did you first
5 hear about Bishop Dolegiewicz?

THE WITNESS: I have known Bishop since we have been on the team.

THE COMMISSIONER: I see.

THE WITNESS: He is one of throwers on the
10 team; he is a nice guy.

THE COMMISSIONER: In '81, was he on team then?

THE WITNESS: I will imagine, he's been around along time. He's been around longer than I have
15 been.

THE COMMISSIONER: You don't remember this then conversation at all?

THE WITNESS: No.

THE COMMISSIONER: Or his name coming up.

THE WITNESS: No.
20

THE COMMISSIONER: Okay. Go ahead. I am sorry, you were back to '87.

MR. ARMSTRONG:

Q. Then, Mr. McKoy, yes, I have moved you
25

along here to 1987. What went in to your decision to return to Charlie Francis as your coach?

5 A. Well, I guess it was a couple of things, number one is being ranked number five -- well, in the top five in the world for so many years and never making it to be the top hurdler in the world was a concern especially going to the Olympic year. So, I figured that I no longer could do it by myself, I needed a coach, some kind of structure to do it.

10 And also from the -- from the rumours of steroid use in his group, and how his athletes were performing, I figured maybe if I could get on some kind of a program with him that it would help me, too.

15 Q. All right. How long had you known about the rumours of steroid use among his group?

A. Years, years.

Q. Did that go back to the period of time in 1981, for example, when you were --

A. No, not that far back.

20 Q. All right. So, having -- you made the decision first of all on the basis that you thought you needed a coach and needed some structure to your preparation going in to the Olympic year. I take it that by that time you at least had changed your opinion of Francis that you said you held of him when you left him in

25

the fall of '81?

A. Yes, he seemed to change a little bit, he wasn't so -- so into track. He had other interests. So, he was it was a lot easier to get along with. We
5 started talking again I guess in the summer of '87, because I was -- I was already with the Mazda group. And I talked to Larry and Larry had started setting up some of my deals in Europe. So, I was a lot closer to the group then. And we started to get along a little better. So, I
10 figured it wasn't so bad after all. So, I came back to the group.

15

20

25

Q. So were you then, were you then
approached by Larry Heidebrecht to become --

A. Actually, I approached him.

Q. You approached him. And up until that
5 time, had you run out of the Pacific Coast Track and Field
Club --

A. Actually, I joined Mazda a year earlier,
but I did it by myself. Larry wasn't involved.

Q. We heard, for example, your colleague
10 Desai Williams had used -- I forget the individual's name
but had used --

A. Tom Jennings.

Q. Had used Tom Jennings as his agent.

A. I was with the Pacific Coast Club, but I
15 had switched to Mazda before I joined up with Larry. I
was with Mazda for a year before I hooked up with Larry.

THE COMMISSIONER: When was that?

A. I joined Mazda in, I believe, the spring
of '87.

20 THE COMMISSIONER: And when did you first
become -- when did Mr. Francis again become your coach?

A. In the fall of '87.

THE COMMISSIONER: I see. So at that time
were you still training yourself or --

25 A. That's right.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. Then the arrangement that you had with

5 Mazda before you went back to Charlie Francis, what was the nature of that arrangement, that you would run wearing their logo on your shirt?

A. Yeah, I'd just have to wear a singlet with the Mazda name on the front.

10 Q. And were there any other obligations under the terms of your contract?

A. No, that was it.

Q. And what were you paid for doing that?

A. I believe it was about \$15,000.

15 Q. U.S.?

A. U.S.?

Q. And then in 1988, did you run under the Mazda banner?

A. Yes, I did.

20 Q. And what were you paid during that year?

A. 25,000.

Q. U.S.?

A. Yes.

25 Q. And were there any performance clauses in your contract?

A. No.

Q. All right. And I take it then there were no bonuses provided to you in the event that you had a certain number of first places or you won a gold medal at the Olympics or --

A. No.

Q. All right. Then let me take you back to the fall of 1987 or the summer of 1987 when you first approached Mr. Francis about his coaching you again.

A. Well, actually, I didn't approach him until after we got back from Europe. We started talking on just like a friendly basis in the summer. I didn't actually approach him about coaching me until we got back in the fall.

THE COMMISSIONER: The fall of '87?

A. The fall of '87.

MR. ARMSTRONG:

Q. And what happened in the fall of 1987 when you got back? Was there some discussion with him?

A. Yes, I just went to his apartment and said, you know, "I'd like to come back with the group," and he said, "No problem."

Q. Now, in either that discussion or the earlier discussions you had during the summer, did the

subject of a steroid program come up?

A. No.

Q. Now, when you saw him after you got back from the European tour and met with him, did the subject of steroids come up?

A. It came up in a later discussion.

Q. All right. So then after you got back from Europe you met with him, told him you would like to come back, told him you would like to come back and he said fine?

A. Yes.

Q. And so did you begin training with him?

A. Yeah, um, hm.

Q. And at some point during the fall of 1987, during the training, did you have a discussion with Mr. Francis concerning involving yourself in a steroid program?

A. Yes, I did.

Q. When was that discussion?

A. Sometime in the fall, September, October. I'm not sure exactly when.

Q. And where was the discussion?

A. In his apartment.

Q. Who was there besides you and him?

A. Desai.

Q. Desai Williams?

A. Desai Williams.

Q. All right. And tell us about that discussion, please.

5 A. I came out then and I said, "What about the steroid program" that, you know, that I thought he was using, and he said, "Yeah, we've been using one for years. This is what it is. If you're interested, it's available."

10 Q. And what did he tell you about it?

A. Basically that, you know, the program that they use. That was about it.

Q. Did he mention a particular drug?

A. Yes, Estragol.

15 Q. Estragol?

A. That's right.

Q. And did he tell you anything else about that drug Estragol, where it came from?

A. I don't believe he did at the time. He
20 may have told us it came from -- well, eventually some time in there he told us it came from Jamie, but I'm not sure if it was that discussion or a later discussion.

Q. Up until that time, the fall of 1987, had you been involved with Dr. Jamie Astaphan?

25 A. No, I had never met him.

Q. All right. And then I take it as a result of your discussion with Mr. Francis, you became aware that his group or some of his group was involved in a steroid program involving a drug called Estragol?

5 A. That's correct.

Q. And did Mr. Francis recommend that you go on that program?

A. Yes, he did.

10 Q. And during your discussion with him, was there any information provided by him to you concerning possible side effects of going on a steroid program?

A. I don't believe so.

Q. Did you ask him about possible side effects?

15 A. No, I didn't.

Q. Was that a subject that you knew anything about?

20 A. I had a little bit of information that I had read about before. It was also like -- at that point, it was a matter of, you know, it didn't really matter. From what I read, there wasn't that, there wasn't that many side effects involved in such a low dosage, plus I wouldn't care anyway.

25 Q. Why do you say that, that you wouldn't care anyway?

A. Just because, like I said, I had been in the top five for so long I was at the point where I wanted to be number one, and if this was going to help me, then that's what I was going to do.

5 Q. All right. And during your discussion that day in the fall of 1987 with Mr. Francis or, indeed subsequently, was there any suggestion by you or him that your steroid program be monitored by a physician?

A. No, there wasn't.

10 Q. Did you have a family doctor at that time?

A. Yes, I did.

Q. Were you attending him on a regular basis?

15 A. Probably once a year.

Q. I take it from that answer then you didn't make a point of making arrangements to have him monitor any steroid program that you might go on that fall?

20 A. No, I didn't.

Q. All right. Now, did you go on the steroid program involving Estragol that fall?

A. Yes, I did.

25 Q. And what arrangements were made to have the Estragol administered to you?

A. Charlie just said, "Come over twice a week," or whatever it was, and he gave us the shots and that was it.

Q. And, typically, did you and Desai
5 Williams go together?

A. Yes, we did.

Q. All right. And the so-called Estragol
has been displayed here on a number of occasions and
described on more than enough occasions as milky-white
10 stuff. I take it that the steroid that was injected into
you by Charlie Francis at his apartment was a milky-white
liquid?

A. That's correct.

Q. And in addition to the milky-white
15 substance that Charlie Francis injected into you, did he
also inject inosine and Vitamin B-12?

A. Yes, he did.

Q. And typically, were they mixed together?

A. Yes, they were.

Q. In the same syringe?
20

A. Um, hm.

Q. All right. And, Mr. McKoy, was there
any discussion with Mr. Francis or indeed anybody else in
regard to this steroid program concerning clearance times?

A. I had heard -- I'm not sure if there was
25

a discussion at his apartment or if it was just at the track or whatever, but I had heard it was about 25 days.

THE COMMISSIONER: Well, that would be important if you were on it. You had to know what the clearance time was.

A. Yeah, but, I mean, he mentioned it to us sometime. But I figured if he is giving us the shots, he will stop us in enough time for the meet.

THE COMMISSIONER: I see. But you thought it was about 25 days? Is that what you heard?

A. Yes, that was my understanding, about 25 days.

MR. ARMSTRONG:

Q. And, approximately -- again, I don't want to try the Commissioner's patience or anyone else's by going over this shot by shot but over what period of time was it in the fall of 1987 approximately that you received injections from Mr. Francis?

A. I believe it was somewhere in late October to early December, somewhere in there.

THE COMMISSIONER: Six-week cycles? You heard about cycles? You heard about the word cycles?

A. Yes. I believe it was a three-week cycle with a week off.

THE COMMISSIONER: Three weeks on, one week off; three weeks on, one week off; three weeks on, one week off?

A. That's right.

5

MR. ARMSTRONG:

Q. And I think you mentioned earlier that Charlie Francis said to come over to his apartment a couple of times a week, so typically was it twice or three times a week?

10

A. I believe, yes. I think it was twice a week.

Q. I think we've heard various combinations of that.

15

A. I would say it was twice a week. Maybe a few weeks it was three times a week, but it was generally twice a week.

Q. All right. Now, so far as your training is concerned, Mr. McKoy, what effect if any did the steroids appear to have on your training performance?

20

A. I got stronger.

Q. Did -- I'm sorry, I didn't want to --

A. That's about it.

Q. Did your muscles bulk up?

25

A. Yes, I put on about ten, fifteen pounds.

Q. And you put on muscle bulk in the arms, shoulders, legs?

A. Basically upper body.

Q. Upper body?

A. Yeah.

Q. And the steroid program was taken prior to the, it would seem, indoor season of 1988 in which you competed?

A. That's right.

Q. And from your own observation and now with the advantage of hindsight, I guess, what effect did the steroid program appear to have on your competitive performance?

A. It didn't seem to have that much effect at all.

Q. I take it then your times weren't significantly better as a result?

A. They weren't better at all.

Q. Now, during the time that you were on this program in the fall of 1987, to your knowledge, did you experience any kind of adverse side effects?

A. No, I didn't.

MR. ARMSTRONG: All right. I just want to pause here for a moment. I don't know what your wishes are. I certainly would be happy to keep going for as long

as you like. If you're planning on going for a while --

THE COMMISSIONER: We'll take a short break
now and go a little later this afternoon.

5 -- Recess taken

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

10 MR. ARMSTRONG:

Q. Mr. McKoy, you indicated that when you
began discussing the steroid program in the fall of 1987
with Mr. Francis that Desai Williams was there. He, like
you, was also competing during the middle '70's, really in
15 his case from 1983 to 1987, without a coach; am I right?

A. That's correct.

Q. And you both ran out of, so far as your
agent, agency, or agent was concerned, you both ran out of
the Pacific Coast Track Club?

20 A. That's right for part of that time, yes.

Q. And, indeed, Desai Williams is a good
friend of yours?

A. Yes, he is.

Q. I guess he's your best friend, is he?

25 A. Yes, he is.

Q. Then Ben Johnson, when you joined the Scarborough Optimists Track and Field Club during the late '70's, '77, '78, I take it, Ben Johnson would have been a member of the club at the same time?

5 A. Yes, I guess so.

Q. And although he remained with Charlie Francis right from 1977-78 through to 1988, I take it that Ben Johnson as well became a friend of yours?

A. Yes, he did.

10 Q. Over that period of time and indeed today is still a good friend of yours?

A. Yes, he is.

Q. And indeed you train together today, I assume, from time to time --

15 A. Soon as I get out of here.

Q. -- with both Ben Johnson and Desai Williams; is that correct?

A. That's right.

20 THE COMMISSIONER: I'm sorry, I didn't hear the question.

MR. ARMSTRONG: He trains today, not literally today but --

A. I am training today, too.

25 MR. ARMSTRONG:

Q. You are planning on training today with Ben Johnson?

A. Yes.

THE COMMISSIONER: You already trained today, did you?

A. No, after I finish here.

THE COMMISSIONER: At York?

A. At York.

10 MR. ARMSTRONG:

Q. I'm sorry, I'm getting a little lazy here. The point I was trying to make eliciting from my question was that Desai Williams and Ben Johnson and you on a regular basis, even in 1989, train together?

15 A. That's correct.

Q. Then in the spring of 1988, after the indoor season, typically, we have heard in the evidence from a number of witnesses that prior to the outdoor season there is a training period, the March-April period, and was that year-in and year-out usually a training period for you as well?

A. No, it wasn't, no.

Q. What did you do during --

A. Basically, I ran a lot more competitions than most people do.

25

Q. All right.

A. I usually start running in January straight through to September.

Q. I see. And in 1988, I see that you
5 competed at the National Indoor Championships on February the 21st, but you didn't, according to the record I have from the Canadian Track and Field Association, compete again until a meet at the end of May in Spain?

A. That's correct.

10 Q. Is that so in 1988?

A. Yes, that's right.

Q. So in the 1988 year, I take it you were
following what appears to be the Charlie Francis' pattern
of a training period between the indoor and outdoor
15 seasons?

A. That's correct, yes.

Q. Now, during that training period from
February to May, did you go on a steroid program?

A. No, I didn't.

20 Q. And why was that?

A. Because I felt from my performances
indoors that what I had done in the fall, it didn't help
at all, so there was no point in it.

Q. And when was it you made the decision
25 not to go on a steroid program?

A. Sometime shortly after the indoor season.

Q. And, at least as I've indicated this record would suggest, that was probably around the 21st of February or thereabouts, which would have been the time of the Canadian National Indoor Championships?

A. That's correct.

Q. It's not so long ago. Can you remember that that indeed is the last time you ran indoors in 1988?

A. I know the Canadian Championships was the last meet. I'm not sure of the date.

Q. All right. It was February the 21st. So would you have made the decision at that point in time, right after that meet?

A. Within then and two or three weeks after that, probably.

Q. All right. And then what about Desai Williams so far as you know? We've heard evidence from him that he did go on the steroid program in the fall of 1987, and you confirmed that because he attended Charlie Francis' apartment with you. Did he make a decision at more or less the same time about whether or not he would go on a steroid program during the spring?

A. Yes, we decided that together.

Q. All right. Then I wanted to take you

back to the indoor season in 1988. Were you at a track meet in Genoa?

A. Yes, I was.

Q. And do you remember being in a hotel room in Genoa where you and Desai Williams, Angella Issajenko and Ben Johnson were sitting around one evening?

A. We sat around many evenings together, yes.

Q. And there's been some evidence in this inquiry to date that there was some information that one of the athletes in the Mazda group had a key to Charlie Francis' apartment and was planning on entering his apartment and taking some of the drugs to give to her boyfriend, and that evidence came from Angella Issajenko. And I just want to read you a little more of it to see if you recall this discussion.

And I'm reading, for the assistance of my friends, from Volume 28 at page 4914, and I'm just going to read you this, Mr. Williams, if I may.

THE COMMISSIONER: Is that --

MR. ARMSTRONG: This is a question by me of Angella Issajenko.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. And the question first of all is this:

5 "Q. And, again, as I understand it, the
concern that you were expressing to the
others" -- the others being you, Ben
Johnson, and Desai Williams -- "was
that if indeed somebody was going to go
into Charlie's apartment and take some
of these steroids, again it was another
example that the circle was widening to
10 an inappropriate scope, as it were?

"A. That is correct, and that is the reason
why Mark and Desai decided, because
they had said to me there were too many
people in Charlie's apartment and they
15 did not want other people knowing their
business. So as of this moment, for
the next cycle, they did not go back to
Charlie's house to get their
injections. They asked for a bottle
20 from Charlie because I remember Charlie
came to pick it up at my place to give
to Mark and Desai so they could do
their own injections."

And do you remember being involved in a

25

discussion with Angella Issajenko in which you and Desai Williams decided that there were too many people in Charlie's apartment and that you didn't want other people knowing your business?

5 A. No, I don't.

THE COMMISSIONER: No what? You don't remember or it didn't happen?

A. I don't remember a conversation happening between us.

10 THE COMMISSIONER: Did you get a bottle for yourself?

A. Charlie gave us a bottle, yes.

THE COMMISSIONER: Well, then, that's what Ms. Issajenko said; that's when this was decided.

15 A. She said that we --

THE COMMISSIONER: She said you discussed there were too many people in the circle. You didn't want to go back there --

A. No, we didn't discuss that, no.

20 THE COMMISSIONER: -- and that you were going to get a bottle for yourselves.

A. Charlie decided that he didn't want --

THE COMMISSIONER: Excuse me a minute.

A. Oh, sorry.

25 THE COMMISSIONER: She said you decided to

get a bottle for yourself. Isn't that what you just said,
Mr. Armstrong?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: And I asked you did you
5 get a bottle for yourself?

A. Yes, we did.

THE COMMISSIONER: Well, then, how would she
know that unless it was discussed with her?

A. Because Charlie got it from her
10 apartment.

THE COMMISSIONER: Pardon?

A. But it was Charlie who decided that he
didn't want anything in his apartment anymore. He said he
was going to take it over to Angella's apartment and he
15 didn't want us coming to his apartment anymore.

THE COMMISSIONER: And you didn't want to go
to Angella's apartment, so you took a bottle yourself?
For you and Desai was it, the bottle?

A. Yes. Charlie said, "Well, here, here's
20 your bottle. You guys do it yourself."

THE COMMISSIONER: I'm sorry, I'm just going
back to the conversation because -- you did take the
bottle.

A. Yes, we did.

THE COMMISSIONER: That would seem to
25

confirm that that discussion took place. Do you see what I mean?

A. No. There was -- I don't remember a discussion like that.

5

MR. ARMSTRONG:

Q. And do I understand -- I'm sorry.

THE COMMISSIONER: Go ahead.

10

MR. ARMSTRONG:

Q. Do I understand then, Mr. McKoy, that you believe that it was Charlie Francis who decided that there were going to be no more injections done in his apartment?

15

A. That's correct, yes.

THE COMMISSIONER: Did you discuss it with him?

A. Yes, I did.

20

THE COMMISSIONER: And did you agree that there were too many people in the circle that the secret might get out?

A. No.

THE COMMISSIONER: Well, why did you have to take your own bottle?

25

A. He just told us that -- there was some

rumour in Europe. There was some discussion about some phone call that Angella got. I'm not quite sure what it involved. I found out later, but then, after that --

5 THE COMMISSIONER: This discussion did take place in Europe, according to Miss Issajenko, didn't it?

MR. ARMSTRONG: Yes, it took place in Genoa.

A. There was no meeting that I remember, anyway, but there was something going on over in Genoa with some phone calls going back and forth from Genoa
10 between Angella and --

MR. ARMSTRONG: Molly Killingbeck.

A. I guess it was Molly or whoever it was. I'm not sure who it was.

MR. ARMSTRONG: I'm wrong. I apologize.
15 Let me -- well, I've interrupted the witness.

THE COMMISSIONER: I interrupted you. You carry on.

MR. ARMSTRONG: I guess in an irreparable fashion --

20 THE COMMISSIONER: You're back to the conversation.

MR. ARMSTRONG:

Q. All right. Well, what Miss Issajenko
25 testified to that led up to this meeting is that Molly

Killingbeck phoned Desai Williams in Genoa and told Desai Williams that there was some fear that an athlete was going to go into Francis' apartment and remove the steroids and give them to her boyfriend. That apparently
5 increased the concern that the circle of knowledge was widening and, therefore, the meeting in your hotel room with Mark, meaning your hotel room -- I mean the hotel room of Mark, or of Desai and you. I know you're Mark. I'm sorry. Desai and you and Angella and Ben Johnson.
10 That's what she said led up to this meeting.

A. No, there was no such meeting.

Q. And no such discussion?

A. No.

THE COMMISSIONER: I'm still puzzled then
15 how she would know you got a bottle for yourself.

A. Because Charlie had taken the briefcase where he kept everything from Angella's apartment. And I would imagine --

THE COMMISSIONER: Where did you get the
20 bottle from Mr. Francis, at Angella's apartment?

A. I don't recall where I got it. It wasn't from Angella's apartment, no. He got it from Angella, and I imagine that he told Angella that he was giving it to us. That's probably how she knew.

25 THE COMMISSIONER: You got it from Angella,

did you?

A. No, I'm not sure if I got it. Either myself or Desai got it from Charlie.

THE COMMISSIONER: That's this milky-white substance we're talking about?

A. Yes.

MR. ARMSTRONG:

Q In any event, you said a moment ago that you did hear at least subsequently that there had been some telephone calls going back and forth between Genoa and Toronto?

A. That's right.

Q. Between somebody in Toronto, likely Molly Killingbeck?

A. Either Molly or Cheryl.

Q. And I take it subsequently that you must have gotten that information from your friend Desai Williams?

A. No, I heard that when we were in Genoa. There was -- I mean, we do talk about things, but there was no meeting per se.

THE COMMISSIONER: Maybe you formalize it too much by calling it a meeting.

A. There was something going on. Angella

was yelling about, I don't know, Cheryl or whoever she was talking to on the phone and Charlie was talking about it, but, you know, it was -- I just heard it through certain, I don't know what channels but through somebody there.

5 THE COMMISSIONER: This is in Genoa?

MR. ARMSTRONG:

Q. Who was in Genoa with you? There was Ben Johnson, Mark -- you, Desai Williams and Angella
10 Issajenko?

A. That's right.

Q. Who else was there?

A. Charlie Francis and Waldemar.

Q. No other athletes?

15 A. No other athletes, no.

Q. So this discussion or talk that was going on was going on at least among that group of athletes that I just named?

A. I'm saying it could have happened when we were like in the hallway. I could have been there with Angella or I could have been there with Charlie. There was no group meeting where everybody sat down together and discussed it.

Q. All right. Well, then I think perhaps
25 the Commissioner is right that perhaps I have put too fine

a point on the description. Let me ask you this. Did you in fact become aware that either Cheryl Thibedeau or Angella Issajenko or -- sorry. Cheryl Thibedeau or Molly Killingbeck had sent over a message expressing concern that somebody was going to go into the apartment of Charlie Francis and take the steroids out and give them to her boyfriend?

A. I'm not -- I wasn't exactly sure what was going on. I just knew something was going on.

Q. And the something that was going on led the group of athletes that were in Genoa, that is you and Mark -- you and Desai and Angella and Ben Johnson to get into a discussion about the widening of the circle of knowledge of steroids being in Charlie Francis' apartment; isn't that so?

A. No, there was no such discussion.

Q. Well, let me ask you this. What do you recall of the discussion that was going on? I described to you what I understand the evidence to be up to this point. What do you recall of it?

A. Like I said, I just knew there was something going on, transpiring between Toronto and where we were in Genoa, about Charlie's apartment and the steroids that he had in his apartment. I wasn't really sure who was involved. I found this out after, but I

wasn't too sure at the time who was involved or what exactly was going on.

Q. Then, Mr. McKoy, there is in the evidence a record of a meeting or a discussion or a chat
5 involving you, Desai Williams and Molly Killingbeck at the home of Angella Issajenko, and the discussion included Angella Issajenko, on February 25th, 1988. Do you remember after the indoor season was over going over to Angella's house with Molly and Desai to meet with Angella?

10 A. Yes, I remember a meeting over at Angella's, yes.

Q. And there's a diary entry of Angella Issajenko which has been referred to in the evidence which reads, "Saw Molly, Desai and Mark. Reached compromise."
15 And I want to ask you, first of all, do you remember sitting around and talking with Molly, Desai and Angella Issajenko and discussing an upcoming steroid program for the spring training season?

A. Yes, I do.

20 Q. And do you recall that Angella Issajenko and Molly Killingbeck discussed a program and concluded that they would do a cycle of a quarter-cc of Estragol of no more than eight shots or thereabouts?

A. I'm not sure what their conclusion was,
25 no.

Q. And was there a discussion of what steroid program Desai and you might go on at that time?

A. I think the discussion was just about how many shots would be taken between, in that next cycle.

5 Q. And were you and Desai considering going on a cycle at that time of Estragol?

A. I don't believe so, no.

10 Q. Angella Issajenko has testified that, in fact, at that meeting at her house on February 25th, 1988, that you and Desai indicated that you were going to follow the same Estragol program that you had been on in the fall with Charlie Francis; is that not so?

A. That's right, yes.

15 Q. No, she's testified to that effect, and is that the result of your meeting with Desai Williams?

A. Yes, that's right.

Q. That you agreed that you were going to do that program?

A. That's right, yes.

20

25

Q. And then as well there was apparently some discussion that night about stacking the Estragol with some kind of oral steroid. Do you recall that?

A. No, I don't.

5 Q. Do you recall -- let me see if I can assist your recollection a little further. Do you recall that Molly Killingbeck and Angella Issajenko talked about stacking with Dianabol, but came to the conclusion that if they did, they wouldn't have a sufficient clearance time
10 because when they stacked an oral on top of an injectable, the clearance they operated under was 45 days. Do you recall any discussion like that?

A. No, I don't.

15 Q. Both Angella Issajenko and Molly Killingbeck have testified that there was some discussion about the steroid Anavar. Do you remember a discussion about the steroid Anavar?

A. No, I don't.

20 Q. And indeed, the evidence from both Molly Killingbeck and Angella Issajenko is that Desai Williams suggested that they might stack with Anavar. And the suggestion from Angella's evidence seems to be that Desai Williams recommended Anavar because it would result in a shorter clearance time. Do you remember any
25 discussion like that?

A. I don't recall that, no.

Q. Indeed, of course, when Desai Williams testified here a couple weeks ago or so, he did recall at least some discussion about the possibility of taking the oral steroid Anavar. Does that assist you at all in refreshing your memory?

A. No.

THE COMMISSIONER: Does the word Anavar mean anything to you?

THE WITNESS: Yes, I know what Anavar is.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. You know that it's a steroid?

A. Yes.

Q. Were you at the world championships in Rome in August 1987?

A. Yes, I was.

Q. Desai Williams said that at that time that he had gotten Anavar tablets from some other throwing athletes that he ran in to in a hotel. Were you aware that he had done that?

A. Yes, he told me that he had some.

Q. Now, you said that a decision was made at this meeting at Angella Issajenko's house where you and

Desai Williams to follow the same steroid program that you had followed in the fall. And did something subsequently happen to change your mind?

5 A. Like I said, there was already in --
sometime in that period, I am not too sure when it was,
before or after, but in that period, we decided that --
that we weren't going to do another program.

 THE COMMISSIONER: When did you get the
Estragol from Mr. Francis, do you recall?

10 THE WITNESS: I am not quite sure, no.

 THE COMMISSIONER: When did you return from
Europe?

 THE WITNESS: Just prior to the indoor
Canadian championships.

15 MR. ARMSTRONG: And again, Mr.
Commissioner, the indoor Canadian championships are
February 21, 1988.

 THE COMMISSIONER: What was the date of Ms.
Issajenko's diary, the date about the meeting that they
20 had --

 MR. ARMSTRONG: February 25th.

 THE COMMISSIONER: By that time when you
were in that room talking about the next cycle, did you
have the white stuff at that stage --

25 THE WITNESS: I don't recall.

THE COMMISSIONER: -- from Mr. Francis?

THE WITNESS: I can't remember.

THE COMMISSIONER: You either had it then
or you got it later?

5 THE WITNESS: Sometime in that period it
would be.

MR. ARMSTRONG:

10 Q. And you can't now recall whether you
had made a decision prior to the meeting at Angella
Issajenko's house not to go on a steroid program.

A. I know it was around that period
sometime. I don't really recall if it was before or
after, but in that timeframe.

15 THE COMMISSIONER: If it was before, you
wouldn't be discussing that you were going to go on it
then? If you made up your mind before --

THE WITNESS: Well, we could have because --

20 THE COMMISSIONER: -- it's a rather strange
discussion then with your closest friends.

THE WITNESS: Yes, but even though we
decided not do it again, we weren't going to tell anybody
that we had decided to stop.

25 THE COMMISSIONER: You went and got the
stuff to use?

THE WITNESS: Pardon me?

THE COMMISSIONER: You say from Mr. Francis
you even and got the steroid --

THE WITNESS: That's correct, yes.

5 THE COMMISSIONER: To --

THE WITNESS: Because we weren't letting
anybody know that we weren't doing it.

THE COMMISSIONER: You weren't letting
your -- these are all good friends, aren't they,
10 Issajenko and Mr. Johnson --

THE WITNESS: Yes.

THE COMMISSIONER: -- they are all close
friends.

THE WITNESS: That's right.

15 THE COMMISSIONER: And Mr. Francis was the
coach and --

THE WITNESS: That's right.

THE COMMISSIONER: -- and Waldemar was your
therapist?

20 THE WITNESS: That's right.

THE COMMISSIONER: And we have heard how
important it is for Mr. Francis and your therapist that
they know what program you are on because it affects your
whole training schedule?

25 THE WITNESS: Well, like I said before, I

have been used to training myself for five years. So, it wasn't that important to me that they know.

THE COMMISSIONER: Why would you mislead them?

5 THE WITNESS: Because I had already left the group one time. And I figured the Olympic year, there is no reason to cause any friction in the group, like have them thinking about other things, coming to, you know, just coming a few months before the Olympics. So, why
10 bother to tell them at all.

MR. ARMSTRONG: Well -- I am sorry.

THE COMMISSIONER: Why would you get the steroid from Mr. Francis? I am just puzzled, I am just trying to find out?

15 THE WITNESS: Because we wanted to make it appear that everything was just going along as planned.

THE COMMISSIONER: So, you told Mr. Francis you were on this program?

THE WITNESS: That's right.

20 THE COMMISSIONER: And I guess Waldemar would know that, too?

THE WITNESS: I am not sure if I mentioned it to Waldemar, but I guess he would know.

25 THE COMMISSIONER: And your close colleagues, those who were at the meeting would think you

were on the program?

THE WITNESS: Yes, they would, yes.

THE COMMISSIONER: And you went and
actually got the steroids so you could use it if you were
5 on the program?

THE WITNESS: That's right.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

10 Q. Did Desai Williams also get a bottle of
the Estragol.

A. One of us had it, I am not sure -- I am
not sure if I got it from Charlie or if he got it from
Charlie, but one of us got it.

15 Q. In any event, you both knew that you
had a bottle --

A. That's right.

Q. -- to use. And what was the
arrangement to be in terms of the injection the Estragol?

20 A. Well, Charlie expected us to give it to
each other.

Q. And you said in response to some
questions from the Commissioner that you and Desai didn't
want to tell anybody that you weren't taking the steroid
25 because you didn't want to cause friction. Why would it

cause any friction if, for example, you told Ben Johnson you weren't taking any steroids?

A. Because I never told Ben in the first place that I was taking steroids.

5 Q. Okay. You obviously must have told Angella Issajenko you were taking steroids?

A. Angella knew, yes.

Q. Why would it cause any friction --

A. Because --

10 Q. -- with her if you didn't take the steroids; would she care?

A. If you tell Angella, you may as well tell Global.

15 THE COMMISSIONER: Well, there was no secret amongst the small group?

THE WITNESS: The only person that really talked about it in the group was Angella, nobody else. It's not something that was readily discussed.

20 THE COMMISSIONER: We heard that, because everybody knew, those that were in, they knew what was going on?

THE WITNESS: They know what was going on but nobody discussed it.

25 THE COMMISSIONER: Mr. Francis discussed it with you all the time?

THE WITNESS: No, he didn't.

THE COMMISSIONER: He never discussed why
he was promoting --

THE WITNESS: Pardon me?

5 THE COMMISSIONER: He encouraged people of
certain standards of performance to take steroids; you
knew that?

THE WITNESS: He never encouraged me to
take it.

10 THE COMMISSIONER: He never encouraged you?

THE WITNESS: I was the one who approached
him to take it.

THE COMMISSIONER: But you knew what his
theory was, though, didn't you?

15 THE WITNESS: Not really. I knew he had his
athletes -- he told me that he had his athletes on it for
a number of years, but --

THE COMMISSIONER: He told you that. There
was no secret then when he was discussing it with you?

20 THE WITNESS: No, no.

THE COMMISSIONER: You and he didn't have
any secrets between you?

THE WITNESS: No, we didn't, no, but it's
not something that I would go and discuss every week or --

25 THE COMMISSIONER: I wouldn't think you

would. You wouldn't have to discuss it because everybody -- Mr. Matuszewski said everybody knew what was going on therefore they weren't talking about it?

THE WITNESS: That's correct, yes.

5 THE COMMISSIONER: That's a fair way of putting it.

THE WITNESS: Yes.

THE COMMISSIONER: All right. You wouldn't talk about it all the time, but I am surprised
10 Mr. Francis discussed it with you because he was so, according to the evidence we heard from all the athletes, he would discuss with them openly within the group why he felt the steroids would be an important part of a training program?

15 THE WITNESS: No, we never had any discussions had like that.

THE COMMISSIONER: All right. Go ahead.

MR. ARMSTRONG:

20 Q. Why, even accepting your proposition that if you tell Angella you might as well tell Global, why would it concern you that she might tell somebody that you are not taking steroids. Is there anything wrong with you not taking steroids?

25 A. Not really, but like I said, we just

got back with the group, and it didn't make any sense to have any type of friction whatsoever. There would be questions, why don't you want, why did you come back if you aren't going to take it, and now you don't want to take it. And we just didn't want to bother with it. So, we just didn't tell anybody.

Q. Was there any concern that Charlie Francis know that you weren't taking steroids?

A. Yes, because that would cause friction in the group.

Q. When you came back to the group, it certainly wasn't, on your evidence, a precondition that you take steroids because it --

A. No, it wasn't.

Q. -- you came back and Charlie Francis said okay, and it was sometime later that you raised the question of steroids, not him?

A. That's right.

Q. So --

THE COMMISSIONER: Mr. Sokolowski complained that Mr. Francis wouldn't get him steroids, but he was still training him. He had to go and get them himself?

THE WITNESS: That's his problem.

THE COMMISSIONER: All right. Let me just suggest -- I am sorry.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

5 Q. Let me just suggest this to you: If
you had said to Mr. Francis, look, at the end of the
indoor season in '88, I have been on this steroid program
and looking at my times in the indoor season they don't
appear to be much different from how I performed without
steroids, thank you very much, I am not going to continue
10 with the steroids. Would that have been --

A. Who is to say --

Q. -- a big deal, a big issue?

A. Would -- it may have it may not have
been, but we didn't even want to bother with it.

15 THE COMMISSIONER: All right.

MR. ARMSTRONG:

20 Q. In any event, I take it that what you
say is that although you took the milky white substance
from -- either you Desai did from Charlie Francis in this
training period with the understanding so far as Charlie
Francis was concerned that you would inject each other,
that your evidence is that you did not?

A. That's correct.

25 THE COMMISSIONER: Did you have any

syringes?

THE WITNESS: Yes, we did.

THE COMMISSIONER: Where did you get them
from?

5 THE WITNESS: From Charlie.

MR. FUTERMAN: I can't hear, sir, I am
sorry.

THE COMMISSIONER: I said I wondered
whether they had any syringes. And he said he got them
10 from Mr. Francis?

THE WITNESS: Yes.

THE COMMISSIONER: Go ahead. I am afraid
to touch to this mic, I am afraid it's going to fall over.

MR. FUTERMAN: I understand.

15 MR. ARMSTRONG:

Q. Then Mr. McKoy during the spring of
1988, were you injected with any substance by anyone?

A. Yes, we got B-12 and Inocine injections
20 from Waldemar.

Q. What was the color of the vitamin
B-12-Inosine injection?

A. It was a dark red color, dark
red-brownish color.

25 Q. Waldemar has testified yesterday that

you and Desai made some comment or some joke about the fact that you were getting an injection which was lighter in color than the injection that Ben Johnson got?

A. That's correct, yes.

5 Q. And the injection that Ben Johnson got was what color?

A. It was more like a dark brown.

Q. Yes.

10 A. It's what I understood it was just like the more Inosine you put in, the darker it gets.

Q. Were you present when Ben Johnson was injected with the dark-brown substance?

A. A few times, yes.

Q. Where was that?

15 A. At the track.

Q. All right. By whom?

A. By Waldemar.

Q. All right. And was he present when you made these jokes or comments about the --

20 A. I believe so.

Q. -- about the darker color that he was getting?

A. I believe so, yes.

25 Q. I think Waldemar said you guys made the suggestion that maybe he was getting stronger stuff --

A. Yes.

Q. -- than either you or Desai?

A. I think that's what happened, yes.

THE COMMISSIONER: Just before --

MR. ARMSTRONG: Just a moment, please.

MR. ARMSTRONG:

Q. There was then a discussion, a friendly discussion, that would normally take place between Ben Johnson, Desai Williams, and you?

A. Yes.

Q. Any reason, Mr. McKoy, why you never discussed steroids with Ben Johnson and told him that you were on steroids in the fall of 1987?

A. No, just never came up.

Q. Just never came up?

A. No.

Q. Did Desai ever talk to Ben and tell him that he was on steroids?

A. Not in my presence.

MR. ARMSTRONG: This is a convenient spot.

THE COMMISSIONER: Thank you. Tomorrow morning at 10 o'clock. Thank you.

--- Whereupon the hearing adjourned until 10:00 a.m.,
Wednesday, April 26, 1989.

